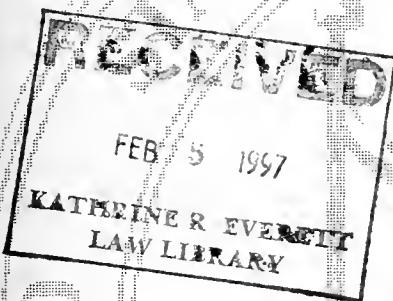


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NORTH CAROLINA REGISTER

VOLUME 11 • ISSUE 21 • Pages 1631 - 1702
February 3, 1997



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- Tax Review Board
- Agriculture
- Environment, Health, and Natural Resources
- Human Resources
- Rules Review Commission
- Contested Case Decisions

PUBLISHED BY

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NORTH CAROLINA REGISTER

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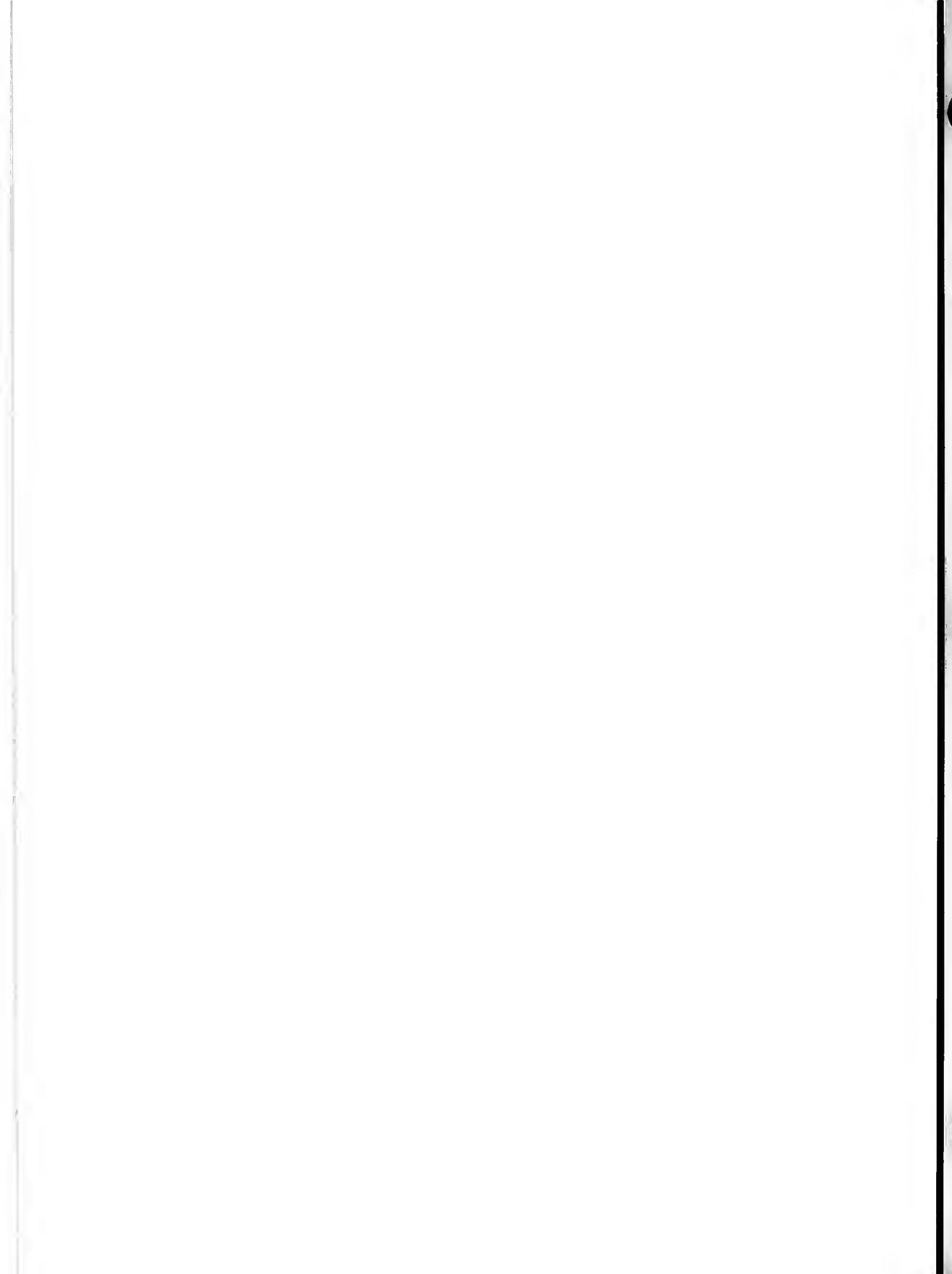
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This issue contains documents officially filed through January 10, 1997.

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volume and issue number	issue date	last day for filing	end of comment period	A. non-substantial economic impact		B. substantial economic impact									
				earliest register issue for publication of text	earliest date for public hearing	end of required comment period	deadline to submit to RRC for review at next RRC meeting								
11:13	10/01/96	09/10/96	12/02/96	12/16/96	10/16/96	10/31/96	11/20/96	01/30/97	12/02/96	12/20/96	01/16/97	01/30/97	12/16/96	12/20/96	05/10/98
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EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2B .0103 and the Rules of Civil Procedure, Rule 6.

GENERAL	FILING DEADLINES	NOTICE OF RULE-MAKING PROCEEDINGS	NOTICE OF TEXT
	<p>ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month closest to (either before or after) the first or fifteenth respectively that is not a Saturday, Sunday, or holiday for State employees.</p> <p>LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.</p> <p>COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.</p>	<p>END OF COMMENT PERIOD TO A NOTICE OF RULE-MAKING PROCEEDINGS: This date is 60 days from the issue date. An agency shall accept comments on the notice of rule-making proceeding until the text of the proposed rules is published, and the text of the proposed rule shall not be published until at least 60 days after the notice of rule-making proceedings was published.</p> <p>EARLIEST REGISTER ISSUE FOR PUBLICATION OF TEXT: The date of the next issue following the end of the comment period.</p>	<p>EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days after the date a notice of the hearing is published.</p> <p>END OF REQUIRED COMMENT PERIOD (1) RULE WITH NON-SUBSTANTIAL ECONOMIC IMPACT: An agency shall accept comments on the text of a proposed rule for at least 30 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.</p> <p>(2) RULE WITH SUBSTANTIAL ECONOMIC IMPACT: An agency shall accept comments on the text of a proposed rule published in the Register and that has a substantial economic impact requiring a fiscal note under G.S. 150B-21.4(b1) for at least 60 days after publication or until the date of any public hearing held on the rule, whichever is longer.</p> <p>DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.</p> <p>FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY: This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3, Effective date of rules.</p>

**EXECUTIVE ORDER NO. 106
HURRICANE FRAN DISASTER LEAVE**

WHEREAS, emergency, catastrophic conditions existed in the aftermath of Hurricane Fran; and,

WHEREAS, a state of emergency was declared as a result of the storm's impact and the Federal Emergency Management Agency designated the following counties as disaster areas: Alamance, Anson, Beaufort, Bertie, Bladen, Brunswick, Buncombe, Caswell, Carteret, Chatham, Chowan, Columbus, Craven, Cumberland, Davidson, Franklin, Granville, Greene, Guilford, Halifax, Harnett, Duplin, Durham, Edgecombe, Franklin, Henderson, Hertford, Hoke, Hyde, Johnston, Jones, Lee, Lenoir, Martin, Montgomery, Moore, Nash, New Hanover, Northampton, Onslow, Orange, Pamlico, Pender, Person, Pitt, Polk, Randolph, Richmond, Robeson, Rockingham, Rutherford, Sampson, Scotland, Stanly, Vance, Wake, Warren, Wayne, and Wilson; and,

WHEREAS, these disaster areas needed immediate and significant resources, including human resources, to cope with the catastrophe; and,

WHEREAS, under gubernatorial direction, many State employees in the federal-designated disaster areas did not report to work from September 6 through 13, 1996, but rather provided extraordinary assistance in disaster recovery and cleanup; and,

WHEREAS, it is necessary and appropriate to address the manner in which leave time for State employees is to be handled as a result of these disaster recovery and cleanup efforts.

NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and laws of North Carolina, IT IS ORDERED.

Section 1. Leave and Compensation for the Period from September 6 through September 9, 1996

a. State employees who either live or work in a federally designated disaster county and were not able to report to work from September 6 through September 9, 1996, because of Hurricane Fran shall not be charged leave for time away from work.

b. State employees who neither live nor work in a federally designated disaster county but were unable to report to work from September 6 through 9, 1996, because of the hurricane shall be allowed to make up any time lost under the State's adverse weather policy.

c. State employees with job sites in the

federally-designated disaster counties shall be granted necessary compensatory time for time worked from September 6 through 9, 1996.

(1) In special circumstances as determined in the sole discretion of the agency head for the agency of employment, employees subject to this subsection "c" may be paid in lieu of compensatory time.

(2) Contract service workers shall not be granted compensatory time, or pay in lieu of such time, except in special circumstances as determined in the sole discretion of the applicable agency head.

Section 2. Leave and Compensation for the Period from September 10 through September 13, 1996

State employees who either live or work in a federally-designated disaster county shall not be required to take leave for time invested in disaster-related cleanup and recovery activities during the period from September 10 through 13, 1996.

Section 3. Employees Providing Emergency and Essential Services

This Executive Order is not applicable to employees providing emergency and essential services. The designation of emergency and essential services shall be made on a case-by-case basis by the head of the agency of employment for the employee in question.

Section 4. Employees of Public Schools, the University of North Carolina System, and the General Court of Justice

Employees of North Carolina's public schools, the University of North Carolina System, and the General Court of Justice shall comply with adverse weather policies or alternative guidelines adopted by their agencies of employment.

Section 5. Temporary Employees

This Executive Order is applicable to employees with temporary as well as permanent appointments.

Section 6. All Other State Employees

Except as otherwise provided herein, State employees shall comply with the adverse weather policy applicable to them in effect prior to the onslaught of Hurricane Fran.

This order shall become effective immediately.

Done in Raleigh, North Carolina, this the 11th day of December, 1996.

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE MATTER OF:
The Assessment of additional Sales and Use Tax
proposed against SOUTHCHEM, INC., for the
period of May 1, 1991 through March 31, 1994.

BEFORE THE
TAX REVIEW BOARD

**ADMINISTRATIVE
DECISION NUMBER:** 324

THIS MATTER was heard before the Tax Review Board (hereinafter "Board") on Tuesday, September 17, 1996, in the office of the State Treasurer in the City of Raleigh, Wake County, North Carolina. This matter involved a Petition filed by Southchem, Inc., (hereinafter "Taxpayer") from the Final Decision of Michael A. Hannah, Assistant Secretary for Legal and Administrative Services for the Department of Revenue (hereinafter "Assistant Secretary") entered on May 17, 1996, sustaining the assessment of additional sales and use tax proposed against the Taxpayer for the period of May 1, 1991 through March 31, 1994.

Chairman Harlan E. Boyles presided over the hearing with appointed member, Noel L. Allen, Attorney at Law participating. Thomas H. Lee, Jr., and G. Rhodes Craver, Attorneys at Law appeared on behalf of the Taxpayer; Marilyn R. Mudge, Assistant Attorney General, appeared on behalf of the Secretary of Revenue. Roland G. Hughey, Taxpayer's Vice President of Finance, was also present at hearing.

Taxpayer, a North Carolina corporation with its principal place of business in Durham County, is a distributor of chemical products and makes retail and wholesale sales of its products. Taxpayer's products are delivered in containers, primarily 55 gallon drums and large tote tanks. The drums are shipped to Taxpayer's customers on pallets. Taxpayer charges a deposit for the pallets, drums and tote tanks in connection with a percentage of its sales of chemical products. The decision as to whether a deposit is charged is a factor in Taxpayer's negotiations of the sales price of its products. Taxpayer's makes multiple use of the pallets, drums and tote tanks. Taxpayer's financial records show that the drums and tote tanks are treated as assets and the cost of pallets are treated as a expense item of the business.

The two issues considered by the Assistant Secretary at the hearing below were:

1. Whether containers purchased by Taxpayer and transferred to its customers were part of Taxpayer's sale of chemical products and thus exempt from sales and use tax pursuant to G.S. §105-164.13(23); and
2. Whether Taxpayer's use of mixing and dispensing equipment to mix various chemicals and substances constitutes a manufacturing activity, thus qualifying the sale of this mixing machinery for a one percent (1%) tax rate with a maximum tax of \$80.00 per item.

As a general rule, the purpose of this Board is provide administrative review to a Taxpayer from the Secretary of Revenue's decisions sustaining the assessment of tax or additional tax pursuant to North Carolina Revenue Laws. The scope of administrative review for Petitions filed with the Board is governed by G.S. §105-241.2(b2). G.S. §105-241.2 states in pertinent part:

(b2) ... After conducting a hearing, the Board shall confirm, modify, reverse, reduce or increase the assessment or decision of the Secretary.

With regard to the statutory provisions applicable in this matter, the Board notes that:

1. G.S. §105-164.13(23) exempts from sales and use tax "containers ... and like articles sold to manufacturers, producers and retailers, when such materials are used for packaging, shipment or delivery of tangible personal property which is sold either at wholesale or retail when such articles constitute a part of the sale of such tangible personal property and are delivered with it to the customer."
2. G.S. §105-164.4(a)(1d)b grants a partial exemption and provides that "The rate of one percent (1%) applies to the sales price of the following articles. The maximum tax rate is eighty dollars (\$80.00) per article." b. "Sales of mill machinery or mill machinery parts and accessories to manufacturing industries and plants...."

IN ADDITION

3. Provisions in a tax statute granting an exemption from taxation thereby imposed are strictly construed in favor of the imposition of the tax and against the claim of exemption for taxation. *Hatteras Yacht Co. v. High*, 265 N.C. 653, 144 S.E.2d 821 (1965).

3. The one who claims an exemption or exception from tax coverage has the burden of bringing himself within the exemption or exception. *Piedmont Canteen Serv., Inc. v. Johnson*, 256 N.C. 155, 123, S.E.2d 582 (1962).

In order for Taxpayer, a chemical distributor, to bring itself within the exemption of G.S. §105-164.13(23), Taxpayer must show that the pallets, drums and tote tanks it purchases are sold as part of the chemical product sales. In order for Taxpayer to qualify for the exemption under G.S. §105-164.4(a)(1d)b, it must demonstrate both that the equipment purchased constitutes "mill machinery" and that the Taxpayer itself is a "manufacturing industry or plant."

The Board having conducted a hearing in this matter and having reviewed the Petition, the briefs, the record, the Assistant Secretary's final decision and having considered the arguments of counsel rendered the following decision: that the findings of fact made by the Assistant Secretary were fully supported by competent evidence in the record, that the conclusions of law made by the Assistant Secretary were fully supported by the findings of fact, and that the decision by the Assistant Secretary was fully supported by the conclusions of law. Taxpayer failed to carry its burden of establishing its eligibility for the exemption under G.S. §105-105-164.13(23) and the partial exemption granted by G.S. §105-164.4(a)(1d)b.

IT IS THEREFORE ORDERED that the Final Decision of the Assistant Secretary is **CONFIRMED** in every respect.

Entered this the 3rd day of January, 1997.

TAX REVIEW BOARD

/s/Harlan E. Boyles, Chairman
State Treasurer

/s/Hugh A. Wells
Chairman, Utilities Commission

/s/Noel L. Allen, Appointed member

STATE OF NORTH CAROLINA

COUNTY OF WAKE

IN THE MATTER OF:

The Proposed assessment of Controlled Substance
Excise tax for possession of non-tax-paid Controlled
Substance on May 7, 1992, by the Secretary
of Revenue against JAMES ANTHONY BRYANT

BEFORE THE
TAX REVIEW BOARD

ADMINISTRATIVE
DECISION NUMBER: 325

THIS MATTER was heard before the Regular Tax Review Board (hereinafter "Board") on Tuesday, September 17, 1996, in the City of Raleigh, Wake County, North Carolina in the office of the State Treasurer for the purpose of conducting a hearing on the Petition of James Anthony Bryant (hereinafter "Taxpayer") which was filed with the Board on May 5, 1995, pursuant to the provisions of G.S. §105-241.2. The petition concerned administrative review of the Final Decision of Michael A. Hannah, Assistant Secretary for Legal and Administrative Services (hereinafter "Assistant Secretary") entered on March 5, 1995, sustaining a proposed assessment of controlled substance excise tax for possession of non-tax-paid controlled substance for the period of May 7, 1992, assessed against the Taxpayer.

Chairman Harlan E. Boyles, State Treasurer presided over the hearing with duly appointed member, Noel A. Allen, Attorney at Law participating.

Attorney A. Jackson Warmack, Jr., appeared at the hearing on Taxpayer's behalf. Christopher E. Allen, Assistant Attorney General, appeared at the hearing on behalf of the Department of Revenue.

In the petition, the Taxpayer argued that the Assistant Secretary erred in sustaining the assessment of the controlled substance excise tax because he denied possessing a controlled substance.

The purpose of this Board is to provide administrative review to a Taxpayer from the Secretary of Revenue's decision sustaining the assessment of tax or additional tax pursuant to North Carolina Revenue Laws. The scope of administrative review for Petitions filed with the Board is governed by G.S. §105-241.2(b2). G.S. § 105-241.2 states in pertinent part:

(b2).. the Board shall confirm, modify, reverse, reduce or increase the assessment or decision of the Secretary.

On review, the Board determined that G.S. §105-113.105 *et. seq.* provides for the levy of an excise tax on persons (dealers) who possess a non-tax-paid controlled substance. The controlled substance is measured "by the weight of the substance whether pure, impure or dilute." G.S. § 105-113.107. A proposed assessment of the excise tax is presumed to be correct pursuant to G.S. § 105-241.1(a), thus the burden is on the Taxpayer to overcome this presumption and rebut the assessment.

The Board having conducted a hearing in this matter and having reviewed the Petition, the briefs, the record, the Assistant Secretary's final decision and having considered the arguments of counsel rendered the following decision: that the findings of fact made by the Assistant Secretary were fully supported by competent evidence in the record; that the conclusions of law made by the Assistant Secretary were fully supported by the findings of fact; and that the decision by the Assistant Secretary sustaining the tax assessment was fully supported by the conclusions of law. From the record, there was a reasonable basis to presume that the Taxpayer was in possession of the controlled substance. Pursuant to G.S. § 105-241.1(a), the proposed assessment of the excise tax is presumed to be correct.

IT IS THEREFORE ORDERED, that the Assistant Secretary's final decision sustaining the assessment is CONFIRMED.

Entered this the 3rd day of January, 1997.

TAX REVIEW BOARD

/s/Harlan E. Boyles, Chairman
State Treasurer

/s/Hugh A. Wells, Chairman
Utilities Commission

/s/Noel L. Allen, Member

STATE OF NORTH CAROLINA

BEFORE THE
TAX REVIEW BOARD

COUNTY OF WAKE

IN THE MATTER OF:

The Proposed assessment of Controlled Substance
Excise tax for possession of non-tax-paid
Controlled Substance on May 7, 1992, by the
326
Secretary of Revenue against DEREK DARRYL GARRIS

ADMINISTRATIVE
DECISION NUMBER:

THIS MATTER was heard before the Regular Tax Review Board (hereinafter "Board") on Tuesday, September 17, 1996, in the City of Raleigh, Wake County, North Carolina in the office of the State Treasurer for the purpose of conducting a hearing on the Petition of **Derek Darryl Garris** (hereinafter "Taxpayer") which was filed with the Board on May 8, 1995, pursuant to the provisions of G.S. §105-241.2. The petition concerned administrative review of the Final Decision of Michael A. Hannah, Assistant Secretary for Legal and Administrative Services (hereinafter "Assistant Secretary") entered on March 5, 1995, sustaining a proposed assessment of controlled substance excise tax for possession of non-tax-paid controlled substance for the period of May 7, 1992, assessed against the Taxpayer.

Chairman Harlan E. Boyles, State Treasurer presided over the hearing with duly appointed member, Noel A. Allen, Attorney at Law participating.

Attorney A. Jackson Warmack, Jr., appeared at the hearing on Taxpayer's behalf. Christopher E. Allen, Assistant Attorney General, appeared at the hearing on behalf of the Department of Revenue.

In the petition, the Taxpayer argued that the Assistant Secretary erred in sustaining the assessment of the controlled substance excise tax because he denied possessing a controlled substance.

The purpose of this Board is to provide administrative review to a Taxpayer from the Secretary of Revenue's decision sustaining the assessment of tax or additional tax pursuant to North Carolina Revenue Laws. The scope of administrative review for Petitions filed with the Board is governed by G.S. §105-241.2(b2). G.S. § 105-241.2 states in pertinent part:

(b2).. the Board shall confirm, modify, reverse, reduce or increase the assessment or decision of the Secretary.

On review, the Board determined that G.S. §105-113.105 *et. seq.* provides for the levy of an excise tax on persons (dealers) who possess a non-tax-paid controlled substance. The controlled substance is measured "by the weight of the substance whether pure, impure or dilute." G.S. § 105-113.107. A proposed assessment of the excise tax is presumed to be correct pursuant to G.S. § 105-241.1(a), thus the burden is on the Taxpayer to overcome this presumption and rebut the assessment.

The Board having conducted a hearing in this matter and having reviewed the Petition, the briefs, the record, the Assistant Secretary's final decision and having considered the arguments of counsel rendered the following decision: that the findings of fact made by the Assistant Secretary were fully supported by competent evidence in the record; that the conclusions of law made by the Assistant Secretary were fully supported by the findings of fact; and that the decision by the Assistant Secretary sustaining the tax assessment was fully supported by the conclusions of law. From the record, there was a reasonable basis to presume that the Taxpayer was in possession of the controlled substance. Pursuant to G.S. § 105-241.1(a), the proposed assessment of the excise tax is presumed to be correct.

IN ADDITION

IT IS THEREFORE ORDERED, that the Assistant Secretary's final decision sustaining the assessment is CONFIRMED.

Entered this the 3rd day of January, 1997.

TAX REVIEW BOARD

/s/Harlan E. Boyles, Chairman
State Treasurer

/s/Hugh A. Wells, Chairman
Utilities Commission

/s/Noel L. Allen, Member

A Notice of Rule-making Proceedings is a statement of subject matter of the agency's proposed rule making. The agency must publish a notice of the subject matter for public comment at least 60 days prior to publishing the proposed text of a rule. Publication of a temporary rule serves as a Notice of Rule-making Proceedings and can be found in the Register under the section heading of Temporary Rules. A Rule-making Agenda published by an agency serves as Rule-making Proceedings and can be found in the Register under the section heading of Rule-making Agendas. Statutory reference: G.S. 150B-21.2.

**TITLE 15A - DEPARTMENT OF ENVIRONMENT,
HEALTH, AND NATURAL RESOURCES**

**CHAPTER 10 - WILDLIFE RESOURCES
AND WATER SAFETY**

**SUBCHAPTER 10F - MOTORBOATS
AND WATER SAFETY**

Notice of Rule-making Proceedings is hereby given by the North Carolina Wildlife Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making:
15A NCAC 10F .0308 and .0339 - Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 75A-3; 75A-15;

Statement of the Subject Matter:

15A NCAC 10F .0308 - Establish no wake zone on Lake Chatuge in Clay County.

15A NCAC 10F .0339 - Establish no wake zone on Lake James in McDowell County.

Reason for Proposed Action: *15A NCAC 10F .0308 and .0339 - To regulate boat speed in congested area.*

Comment Procedures: *The record will be open for receipt of written comments from February 3, 1997 - April 4, 1997. Such written comments must be delivered or mailed to the North Carolina Wildlife Resources Commission, 512 N. Salisbury Street, Raleigh, NC 27604-1188.*

CHAPTER 19 - HEALTH: EPIDEMIOLOGY

Notice of Rule-making Proceedings is hereby given by the EHNR - Commission for Health Services in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making:
15A NCAC 19A .0203

Authority for the rule-making: G.S. 130A-135; 130A-144

Statement of the Subject Matter: *Control Measures - Hepatitis B*

Reason for Proposed Action: *The rules setting forth the control measures for hepatitis B need to be changed to incorporate a procedure for the management of infected children in school or day care settings. Such a procedure already exists for the management of children infected with HIV, the virus that causes AIDS.*

Comment Procedures: *Written comments can be submitted to Steve Martin, the Division of Epidemiology, P.O. Box 29601, Raleigh, NC 27626-0601 or by calling 919/715-6735 by April 4, 1997.*

This Section contains the text of proposed rules. At least 60 days prior to the publication of text, the agency published a Notice of Rule-making Proceedings. The agency must accept comments on the proposed rule for at least 30 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. The required comment period is 60 days for a rule that has a substantial economic impact of at least five million dollars (\$5,000,000). Statutory reference: G.S. 150B-21.2.

**TITLE 15A - DEPARTMENT OF ENVIRONMENT,
HEALTH, AND NATURAL RESOURCES**

Notice is hereby given in accordance with G.S. 150B-21.2 that the EHNR/Environmental Management Commission intends to amend rules cited as 15A NCAC 2L .0106; 2N .0701, .0707; 2P .0402 and adopt 2L .0115. Notice of Rule-making Proceedings was published in the Register on November 1, 1996.

Proposed Effective Date: October 1, 1997

A Public Hearing will be conducted at:

GREENVILLE

Tuesday, March 4, 1997

7:00 PM - 10:00 PM

Pitt County Community College
Highway 11 South
Fulford Building - Room # 153

HICKORY

Thursday, March 6, 1997

7:00 PM

Catawba Valley Community College
2550 Highway 70-Southeast
Teaching Auditorium

RALEIGH

Tuesday, March 18, 1997

7:00 PM

Archdale Building
512 North Salisbury Street
Ground Floor Hearing Room

Reason for Proposed Action: The Environmental Management

Commission has proposed the adoption of Amendments to 15A NCAC 2L .0106 (Corrective Action), Adoption of 15A NCAC 2L .0115 (Risk Based Corrective Action for Petroleum Underground Storage Tanks), Amendments to 15A NCAC 2P .0402 (Cleanup Costs), Amendments to 15A NCAC 2N .0701 (Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances - General), Amendments to 15A NCAC 2N .0707 (Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances - Corrective Action Plan), to Specify the Conditions Under which Risk-Based Corrective Action will be Performed, to Specify Requirements for Cleanup, and Conditions for State Trust Fund Reimbursement

The adoption of these Rules will specify a risk based

approach for the assessment and cleanup of discharges resulting from releases from petroleum underground storage tanks. These rule changes are necessary in order to fully enact the requirements of North Carolina General Statute (NCGS) 143-215.94V and Chapter 648 of Senate Bill 1317 (1995{1996 Regular Session} C.648). This rule-making is intended to assure that state trust fund reimbursements are continued for sites that pose the greatest risk and to reduce the demand on trust funds for those sites that are not a threat to public health or the environment. Final approval of the changes to all of these rules will result in the Division of Water Quality no longer needing to rely on Temporary Rule amendments to 15A NCAC 2L .0106(r) and (s), that became effective January 2, 1996. The proposed rule-making will include the requirements of the Temporary Rules except that they clarify that these requirements apply to releases or discharges that are not governed by 15A NCAC 2L .0115. No change in regulatory requirements is specified for persons who have a release that is not governed by 15A NCAC 2L .0115. These persons must satisfy the criteria of 15A NCAC 2L .0106 (r) and (s) since these persons are presently required to meet the criteria of the Temporary Rule.

The adoption of 15A NCAC 2L .0115 (Risk Based Corrective Action for Petroleum Underground Storage Tanks) will require the owner or operator or a landowner, eligible for reimbursement from the state's Commercial and Noncommercial Underground Storage Tank Trust Funds pursuant to NCGS 143-215.94E(b1) or any other person responsible for assessment and cleanup of a discharge or release from an underground storage tank, to submit the necessary information that will allow the Department to determine the degree of risk to human health and the environment that is posed by a discharge or release from a petroleum underground storage tank.

The intent of the classification process will be to identify, as early as possible in the regulatory process, what assessment and release response is necessary at a site to protect human health and the environment. Proposed site classification takes into account both the current and potential future use of groundwater as a source for drinking water and for non-drinking water uses (e.g., washing cars, filling swimming pools). The rule proposes that releases be classified as "high, intermediate, or low risk".

The rule contains a provision that allows for "no cleanup, no further cleanup, or no action" to be taken at a site if certain conditions are met and the site is determined to be "low risk". Once this determination is made, costs incurred by a responsible party for further assessment and/or cleanup activities will not be reimbursable from the

Commercial or Noncommercial Trust Funds unless any of the conditions specified in G.S. 143-215.94V(e)(1) are applicable. Under the proposed rules sites will be classified according to the criteria in 15A NCAC 2L .0115(d)(3). This classification will be made by the Department pursuant to the review of site specific data submitted by the responsible party.

Comment Procedures: Interested persons may contact David Hance at (919) 715-6189 for more information. Oral comments may be made during the hearing. All written comments must be submitted by April 4, 1997. Written copies of oral statements exceeding three minutes are requested. Oral statements may be limited at the discretion of the hearing officers. Mail comments to: David Hance, DEHNR- DWQ Groundwater Section, P.O. Box 29578, Raleigh, NC 27626-0578.

Fiscal Note: 15A NCAC 2L .0115 will affect State funds distributed as a result of the continued implementation of the Leaking Petroleum Underground Storage Tank Clean-up Act of 1988. All other Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 2L - GROUNDWATER CLASSIFICATION AND STANDARDS

SECTION .0100 - GENERAL CONSIDERATIONS

.0106 CORRECTIVE ACTION

(a) Where groundwater quality has been degraded, the goal of any required corrective action shall be restoration to the level of the standards, or as closely thereto as is economically and technologically feasible. In all cases involving requests to the Director for approval of corrective action plans, or termination of corrective action, the responsibility for providing all information required by this Rule lies with the person(s) making the request.

(b) Any person conducting or controlling an activity which results in the discharge of a waste or hazardous substance or oil to the groundwaters of the State, or in proximity thereto, shall take immediate action to terminate and control the discharge, mitigate any hazards resulting from exposure to the pollutants and notify the Division of the discharge.

(c) Any person conducting or controlling an activity which has not been permitted by the Division and which results in an increase in the concentration of a substance in excess of the standard, other than agricultural operations, shall:

- (1) immediately notify the Division of the activity that has resulted in the increase and the contaminant concentration levels;

(2) take immediate action to eliminate the source or sources of contamination;
(3) submit a report to the Director assessing the cause, significance and extent of the violation; and implement an approved corrective action plan for restoration of groundwater quality in accordance with a schedule established by the Director, or his designee. In establishing a schedule the Director, or his designee shall consider any reasonable schedule proposed by the person submitting the plan. A report shall be made to the Health Director of the county or counties in which the contamination occurs in accordance with the requirements of Rule .0114(a) in this Section.

(d) Any person conducting or controlling an activity which is conducted under the authority of a permit issued by the Division and which results in an increase in concentration of a substance in excess of the standards:

- (1) at or beyond a review boundary, shall demonstrate, through predictive calculations or modeling, that natural site conditions, facility design and operational controls will prevent a violation of standards at the compliance boundary; or submit a plan for alteration of existing site conditions, facility design or operational controls that will prevent a violation at the compliance boundary, and implement that plan upon its approval by the Director, or his designee.
- (2) at or beyond a compliance boundary, shall assess the cause, significance and extent of the violation of standards and submit the results of the investigation, and a plan and proposed schedule for corrective action to the Director, or his designee. The permittee shall implement the plan as approved by and in accordance with a schedule established by the Director, or his designee. In establishing a schedule the Director, or his designee shall consider any reasonable schedule proposed by the permittee.

(e) For the purposes of Paragraphs (c) and (d) of this Rule, an activity conducted under the authority of a permit issued by the Division, and subject to Paragraph (d) of this Rule, is one for which:

- (1) a permit has been issued pursuant to G.S. 143-215.1;
- (2) the permit was originally issued after December 30, 1983;
- (3) the substance for which a standard has been exceeded outside the compliance boundary has been released to groundwater as a result of the permitted activity;
- (4) all other activities shall for the purpose of this Rule be deemed not permitted by the Division and subject to the provisions of Paragraph (c) of this Rule.

(f) Corrective action required following discovery of the unauthorized release of a contaminant to the surface or subsurface of the land, and prior to or concurrent with the

assessment required in Paragraphs (c) and (d) of this Rule, shall include, but is not limited to:

- (1) Prevention of fire, explosion or the spread of noxious fumes;
- (2) Abatement, containment or control of the migration of contaminants;
- (3) Removal, or treatment and control of any primary pollution source such as buried waste, waste stockpiles or surficial accumulations of free products;
- (4) Removal, treatment or control of secondary pollution sources which would be potential continuing sources of pollutants to the groundwaters such as contaminated soils and non-aqueous phase liquids. Contaminated soils which threaten the quality of groundwaters must be treated, contained or disposed of in accordance with applicable rules and procedures established by the Division. The treatment or disposal of contaminated soils shall be conducted in a manner that will not result in a violation of standards or North Carolina Hazardous Waste Management rules.

(g) The site assessment conducted pursuant to the requirements of Paragraph (c) of this Rule, shall include:

- (1) The source and cause of contamination;
- (2) Any imminent hazards to public health and safety and actions taken to mitigate them in accordance with Paragraph (f) of this Rule;
- (3) All receptors and significant exposure pathways;
- (4) The horizontal and vertical extent of soil and groundwater contamination and all significant factors affecting contaminant transport; and
- (5) Geological and hydrogeological features influencing the movement, chemical, and physical character of the contaminants.

Reports of site assessments shall be submitted to the Division as soon as practicable or in accordance with a schedule established by the Director, or his designee. In establishing a schedule the Director, or his designee shall consider any reasonable proposal by the person submitting the report.

(h) Corrective action plans for restoration of groundwater quality, submitted pursuant to Paragraphs (c) and (d) of this Rule shall include:

- (1) A description of the proposed corrective action and reasons for its selection.
- (2) Specific plans, including engineering details where applicable, for restoring groundwater quality.
- (3) A schedule for the implementation and operation of the proposed plan.
- (4) A monitoring plan for evaluating the effectiveness of the proposed corrective action and the movement of the contaminant plume.

(i) In the evaluation of corrective action plans, the Director, or his designee shall consider the extent of any violations, the extent of any threat to human health or

safety; the extent of damage or potential adverse impact to the environment, technology available to accomplish restoration, the potential for degradation of the contaminants in the environment, the time and costs estimated to achieve groundwater quality restoration, and the public and economic benefits to be derived from groundwater quality restoration.

(j) A corrective action plan prepared pursuant to Paragraph (c) or (d) of this Rule must be implemented using the best available technology for restoration of groundwater quality to the level of the standards, except as provided in Paragraphs (k), (l), and ~~(m)~~ (m), (r) and (s) of this Rule.

(k) Any person required to implement an approved corrective action plan for a non-permitted site pursuant to this Rule may request that the Director approve such a plan without requiring groundwater remediation to the standards. A request submitted to the Director under this Paragraph shall include a description of site specific conditions, including information on the availability of public water supplies for the affected area; the technical basis for the request; and any other information requested by the Director to thoroughly evaluate the request. In addition, the person making the request must demonstrate to the satisfaction of the Director:

- (1) that all sources of contamination and free product have been removed or controlled pursuant to Paragraph (f) of this Rule;
- (2) that the time and direction of contaminant travel can be predicted with reasonable certainty;
- (3) that contaminants have not and will not migrate onto adjacent properties, or that:
 - (A) such properties are served by an existing public water supply system dependent on surface waters or hydraulically isolated groundwater, or
 - (B) the owners of such properties have consented in writing to the request;
- (4) that the standards specified in Rule .0202 of this Subchapter will be met at a location no closer than one year time of travel upgradient of an existing or foreseeable receptor, based on travel time and the natural attenuation capacity of subsurface materials or on a physical barrier to groundwater migration that exists or will be installed by the person making the request;
- (5) that, if the contaminant plume is expected to intercept surface waters, the groundwater discharge will not possess contaminant concentrations that would result in violations of standards for surface waters contained in 15A NCAC 2B .0200;
- (6) that public notice of the request has been provided in accordance with Rule .0114(b) of this Section;
- (7) that the proposed corrective action plan would be consistent with all other environmental laws.

(l) Any person required to implement an approved corrective action plan for a non-permitted site pursuant to

this Rule may request that the Director approve such a plan based upon natural processes of degradation and attenuation of contaminants. A request submitted to the Director under this Paragraph shall include a description of site specific conditions, including written documentation of projected groundwater use in the contaminated area based on current state or local government planning efforts; the technical basis for the request; and any other information requested by the Director to thoroughly evaluate the request. In addition, the person making the request must demonstrate to the satisfaction of the Director:

- (1) that all sources of contamination and free product have been removed or controlled pursuant to Paragraph (f) of this Rule;
- (2) that the contaminant has the capacity to degrade or attenuate under the site-specific conditions;
- (3) that the time and direction of contaminant travel can be predicted with reasonable certainty;
- (4) that contaminant migration will not result in any violation of applicable groundwater standards at any existing or foreseeable receptor;
- (5) that contaminants have not and will not migrate onto adjacent properties, or that:
 - (A) such properties are served by an existing public water supply system dependent on surface waters or hydraulically isolated groundwater, or
 - (B) the owners of such properties have consented in writing to the request;
- (6) that, if the contaminant plume is expected to intercept surface waters, the groundwater discharge will not possess contaminant concentrations that would result in violations of standards for surface waters contained in 15A NCAC 2B .0200;
- (7) that the person making the request will put in place a groundwater monitoring program sufficient to track the degradation and attenuation of contaminants and contaminant by-products within and down gradient of the plume and to detect contaminants and contaminant by-products prior to their reaching any existing or foreseeable receptor at least one year's time of travel upgradient of the receptor and no greater than the distance the groundwater at the contaminated site is predicted to travel in five years;
- (8) that all necessary access agreements needed to monitor groundwater quality pursuant to Subparagraph (7) of this Paragraph have been or can be obtained;
- (9) that public notice of the request has been provided in accordance with Rule .0114(b) of this Section; and
- (10) that the proposed corrective action plan would be consistent with all other environmental laws.

(m) The Division or any person required to implement an approved corrective action plan for a non-permitted site pursuant to this Rule may request that the Director approve

termination of corrective action.

- (1) A request submitted to the Director under this Paragraph shall include:
 - (A) a discussion of the duration of the corrective action, the total project's cost, projected annual cost for continuance and evaluation of the success of the corrective action;
 - (B) an evaluation of alternate treatment technologies which could result in further reduction of contaminant levels projected capital and annual operating costs for each technology;
 - (C) effects, including health and safety impacts, on groundwater users if contaminant levels remain at levels existing at the time corrective action is terminated; and
 - (D) any other information requested by the Director to thoroughly evaluate the request.
- (2) In addition, the person making the request must demonstrate to the satisfaction of the Director:
 - (A) that continuation of corrective action would not result in a significant reduction in the concentration of contaminants (At a minimum this demonstration must show the duration and degree of success of existing remedial efforts to attain standards and include a showing that the asymptotic slope of the contaminants curve of decontamination is less than a ratio of 1:40 over a term of one year based on quarterly sampling);
 - (B) that contaminants have not and will not migrate onto adjacent properties, or that:
 - (i) such properties are served by an existing public water supply system dependent on surface waters or hydraulically isolated groundwater, or
 - (ii) the owners of such properties have consented in writing to the request;
 - (C) that, if the contaminant plumes expected to intercept surface waters, the groundwater discharge will not possess contaminant concentrations that would result in violations of standards for surface waters contained in 15A NCAC 2B .0200;
 - (D) that public notice of the request has been provided in accordance with Rule .0114(b) of this Section; and
 - (E) that the proposed termination would be consistent with all other environmental laws.
- (3) The Director shall not authorize termination of corrective action for any area that, at the time the request is made, has been identified by a state or local groundwater use planning process for resource development.

(4) The Director may authorize the termination of corrective action, or amend the corrective action plan after considering all the information in the request. Upon termination of corrective action, the Director shall require implementation of a groundwater monitoring program sufficient to track the degradation and attenuation of contaminants at a location of at least one year's predicted time of travel upgradient of any existing or foreseeable receptor. The monitoring program shall remain in effect until there is sufficient evidence that the contaminant concentrations have been reduced to the level of the standards.

(n) Upon a determination by the Director that continued corrective action would result in no significant reduction in contaminant concentrations, and the contaminated groundwaters can be rendered potable by treatment using readily available and economically reasonable technologies, the Director may designate the remaining area of degraded groundwater RS. Where the remaining degraded groundwaters cannot be made potable by such treatment, the Director may consider a request for reclassification of the groundwater to a GC classification as outlined in Rule .0201 of this Subchapter.

(o) If at any time the Director determines that a new technology is available that would remediate the contaminated groundwater to the standards specified in Rule .0202 of this Subchapter, the Director may require the responsible party to evaluate the economic and technological feasibility of implementing the new technology in an active groundwater corrective action plan in accordance with a schedule established by the Director. The Director's determination to utilize new technology at any site or for any particular constituent shall include a consideration of the factors in Paragraph (h) of this Rule.

(p) Where standards are exceeded as a result of the application of pesticides or other agricultural chemicals, the Director shall request the Pesticide Board or the Department of Agriculture to assist the Division of Environmental Management in determining the cause of the violation. If the violation is determined to have resulted from the use of pesticides, the Director shall request the Pesticide Board to take appropriate regulatory action to control the use of the chemical or chemicals responsible for, or contributing to, such violations, or to discontinue their use.

(q) The approval pursuant to this Rule of any corrective action plan, or modification or termination thereof, which permits the migration of a contaminant onto adjacent property, shall not affect any private right of action by any party which may be effected by that contamination.

(r) If a discharge or release is not governed by 15A NCAC 2L .0115 and the increase in the concentration of a substance in excess of the standard resulted in whole or in part from a release from a commercial or noncommercial underground storage tank as defined in G.S. 143-215.94A, any person required to implement an approved corrective action plan pursuant to this Rule and seeking reimbursement

for the Commercial or Noncommercial Leaking Petroleum Underground Storage Tank Cleanup Funds shall implement a corrective action plan meeting the requirements of Paragraphs (k) or (l) of this Rule unless such a person demonstrates to the Director that:

- (1) contamination resulting from the discharge cannot qualify for approval of a plan based on the requirements of the Paragraphs; or
- (2) the cost of making such a demonstration would exceed the cost of implementing a corrective action plan submitted pursuant to Paragraph (c) of this Rule.

(s) If a discharge or release is not governed by 15A NCAC 2L .0115 and the increase in the concentration of a substance in excess of the standard resulted in whole or in part from a release from a commercial or noncommercial underground storage tank as defined in G.S. 143-215.94A, the Director may require any person implementing or operating a previously approved corrective action plan pursuant to this Rule to:

- (1) develop and implement a corrective action plan meeting the requirements of Paragraphs (k) and (l) of this Rule; or
- (2) seek discontinuance of corrective action pursuant to Paragraph (m) of this Rule.

Authority G.S. 143-215.2; 143-215.3(a)(1); 143-215.94A; 143-215.94(T); 143-215.94V; 143B-282; 1995 (Reg. Sess.; 1996) c. 648, s. 1.

.0115 RISK-BASED ASSESSMENT AND CORRECTIVE ACTION FOR PETROLEUM UNDERGROUND STORAGE TANKS

(a) The purpose of this Rule is to establish procedures for risk-based assessment and corrective action sufficient to:

- (1) protect human health and the environment;
- (2) abate and control contamination of the waters of the State as deemed necessary to protect human health and the environment;
- (3) permit management of the State's groundwaters to protect their designated current usage and potential future uses;
- (4) provide for anticipated future uses of the State's groundwater;
- (5) recognize the diversity of contaminants, the State's geology and the characteristics of each individual site; and
- (6) accomplish these goals in a cost-efficient manner to assure the best use of the limited resources available to address groundwater pollution within the State.

(b) This Rule applies to any discharge or release from a "commercial underground storage tank" or a "noncommercial underground storage tank," as those terms are defined in G.S. 143-215.94A, which is reported on or after the effective date of this Rule. This Rule shall apply

to discharges or releases reported before the effective date of this Rule to the extent that the Department determines that application of all or part of the Rule is necessary to protect human health or the environment or may result in a more cost-effective assessment and cleanup of the discharge or release. The requirements of this Rule shall apply to the owner and operator of the underground storage tank from which the discharge or release occurred, a landowner seeking reimbursement from the Commercial Leaking Underground Storage Tank Fund or the Noncommercial Leaking Underground Storage Tank Fund under G.S. 143-215.94E, and any other person responsible for the assessment or cleanup of a discharge or release from an underground storage tank, including any person who has conducted or controlled an activity which results in the discharge or release of petroleum or petroleum products as defined in G.S. 143-215.94A(10) to the groundwaters of the State, or in proximity thereto; these persons shall be collectively referred to for purposes of this Rule as the "responsible party." This Rule shall be applied in a manner consistent with the Rules found in 15A NCAC 2N in order to assure that the State's requirements regarding assessment and cleanup from underground storage tanks are no less stringent than Federal requirements.

(c) A responsible party shall:

- (1) take immediate action to prevent any further discharge or release of petroleum from the underground storage tank; identify and mitigate any fire, explosion or vapor hazard; remove any free product; and comply with the requirements of Rules .0601 through .0604 and .0701 through .0703 and .0705 of Subchapter 2N;
- (2) incorporate the requirements of 15A NCAC 2N .0704 into the submittal required under Subparagraph (3) of this Paragraph or the limited site assessment report required under Subparagraph (4) of this Paragraph, whichever is applicable. Such submittals shall constitute compliance with the reporting requirements of 15A NCAC 2L .0704(b);
- (3) submit within 90 days of the discovery of the discharge or release a soil contamination report containing information sufficient to show that unexcavated soil remaining in the unsaturated zone does not contain contaminant levels which exceed either the "soil-to-groundwater" or the residential maximum soil contaminant concentrations established by the Department pursuant to Paragraph (m) of this Rule, whichever is lower. If such showing is made, the discharge or release shall be classified as low risk by the Department;
- (4) if the required showing cannot be made under Subparagraph (3) of this Paragraph, submit within 90 days of the discovery of the discharge or release, or within such other time limit approved by the Department, a report containing

information needed by the Department to classify the level of risk to human health and the environment posed by a discharge or release under by Paragraph (d) of this Rule. Such report shall include, at a minimum:

- (A) a location map, based on a USGS topographic map, showing the radius of 1500 feet from the source area of a confirmed release or discharge and depicting all water supply wells and surface waters within the 1500-foot radius;
- (B) a determination of whether the source area of the discharge or release is within a designated wellhead protection area as defined in 42 USC 300h-7(e);
- (C) if the discharge or release is in the Coastal Plain physiographic region as designated on a map entitled "Geology of North Carolina" published by the Department in 1985, a determination of whether the source area of the discharge or release is located in an area in which there is recharge to an unconfined or semi-confined deeper aquifer which is being used or may be used as a principal source of drinking water;
- (D) a determination of whether vapors from the discharge or release pose a threat of explosion due to the accumulation of vapors in a confined space or pose any other serious threat to public health, public safety or the environment;
- (E) a scaled site map showing the location of the following which are on or adjacent to the property where the source is located: site boundaries, roads, buildings, basements, floor and storm drains, subsurface utilities, septic tanks and leach fields, underground storage tank systems, monitoring wells, borings and the sampling points;
- (F) the results from a limited site assessment which shall include:
 - (i) the analytical results of one soil sample collected during the construction of a monitoring well installed in the source area of each confirmed discharge or release and either the analytical results of a groundwater sample collected from the well or, if free product is present in the well, the amount of free product in the well. The soil sample shall be collected from the suspected worst-case location exhibiting visible contamination or elevated levels of volatile organic compounds in the

borehole;

- (ii) if any constituent in the groundwater sample from the source area monitoring well installed in accordance with Subpart (i) of this Part exceeds the standards or interim standards established in 15A NCAC 2L .0202 by a factor of 10 and is a discharge or release from a commercial underground storage tank, the analytical results from a groundwater sample collected from each of four additional monitoring wells or, if free product is present in any of the wells, the amount of free product in such well. The four additional monitoring wells will be installed as follows: as best as can be determined, one upgradient of the source of contamination; two downgradient of the source of contamination; and one vertical-extent well immediately downgradient from the source but within the area of contamination;
- (iii) if the four additional monitoring wells are required under Subpart (4)(F)(ii) of this Part, the analytical results from soil samples collected every five feet in the unsaturated zone in the vertical extent borehole; and
- (iv) potentiometric data from all required wells;

(G) the availability of public water supplies and the identification of properties served by the public water supplies within 1500 feet of the source area of a confirmed discharge or release;

(H) the land use, including zoning if applicable, within 1500 feet of the source area of a confirmed discharge or release;

(I) a discussion of site specific conditions or possible actions which could result in lowering the risk classification assigned to the release. Such discussion shall be based on information known or required to be obtained under this Subsection; and

(J) names and current addresses of all owners and operators of the underground storage tank systems, the owner(s) of the land upon which such systems are located, and all adjacent real property owners.

(d) The Department shall classify the risk of each known discharge or release as high, intermediate or low risk unless the discharge or release has been classified under Subparagraph (c)(3) of this Rule. For purposes of this

Rule:

- (1) "High risk" means that:
 - (A) a water supply well, including one used for non-drinking purposes, has been contaminated by the release or discharge;
 - (B) a water supply well used for drinking water is located within 1500 feet of the source area of a confirmed discharge or release;
 - (C) a water supply well not used for drinking water is located within 250 feet of the source area of a confirmed discharge or release;
 - (D) the groundwater within 500 feet of the source area of a confirmed discharge or release has the potential for future use in that there is no source of water supply other than the groundwater;
 - (E) the vapors from the discharge or release pose a serious threat of explosion due to accumulation of the vapors in a confined space; or
 - (F) the discharge or release poses an imminent danger to public health, public safety, or the environment.
- (2) "Intermediate risk" means that:
 - (A) surface water is located within 500 feet of the source area of a confirmed discharge or release and the maximum groundwater contaminant concentration exceeds the applicable surface water quality standards and criteria found in 15A NCAC 2B .0200;
 - (B) in the Coastal Plain physiographic region as designated on a map entitled "Geology of North Carolina" published by the Department in 1985, the source area of a confirmed discharge or release is located in an area in which there is recharge to an unconfined or semi-confined deeper aquifer which the Department determines is being used or may be used as a principal source of drinking water;
 - (C) the source area of a confirmed discharge or release is within a designated wellhead protection area, as defined in 42 USC 300h-7(e); or
 - (D) the levels of groundwater contamination exceed 50 percent of solubility of the contaminant or 1,000 times the groundwater standard or interim standard established in 15A NCAC 2L .0202, whichever is lower.
- (3) "Low risk" means that:
 - (A) the risk posed does not fall within the high or intermediate risk categories; or
 - (B) based on review of site-specific information, limited assessment or interim corrective actions, the Department

determines that the discharge or release poses no significant risk to human health or the environment.

If the criteria for more than one risk category applies, the discharge or release shall be classified at the highest applicable risk category unless the Department has reclassified the discharge or release pursuant to Paragraph (e) of this Rule.

(e) The Department may reclassify the risk posed by a release if warranted by further information concerning the potential exposure of receptors to the discharge or release or upon receipt of new information concerning changed conditions at the site. After initial classification of the discharge or release, the Department may require limited assessment or interim corrective action which the Department believes will result in a lower risk classification. It shall be a continuing obligation of each responsible party to notify the Department of any changes that might affect the level of risk assigned to a discharge or release by the Department if the change is known or should be known by the responsible party. Such changes shall include, but shall not be limited to, changes in zoning of real property, use of real property or the use of groundwater that has been contaminated or is expected to be contaminated by the discharge or release, if such change could cause the Department to reclassify the risk.

(f) If the risk posed by a discharge or release is determined by the Department to be high risk, the responsible party shall comply with the assessment and cleanup requirements of Rule .0106(c), (g) and (h) of this Subchapter and 15A NCAC 2N .0706 and .0707. The goal of any required corrective action for groundwater contamination shall be restoration to the level of the groundwater standards set forth in 15A NCAC 2L .0202, or as closely thereto as is economically and technologically feasible. In any corrective action plan submitted pursuant to this Subsection, natural attenuation shall be used to the maximum extent possible. If the responsible party demonstrates that natural attenuation prevents the further migration of the plume, the Department may approve a groundwater monitoring plan.

(g) If the risk posed by a discharge or release is determined by the Department to be an intermediate risk, the responsible party shall comply with the assessment requirements of 15A NCAC 2L .0106(c) and (g) and 15A NCAC 2N .0706. As part of the comprehensive site assessment, the responsible party shall evaluate, based on site-specific conditions, whether the release poses a significant risk to human health or the environment. If the Department determines, based on the site specific conditions, that the discharge or release does not pose a significant threat to human health or the environment, the site shall be reclassified as a low risk site. If the site is not reclassified, the responsible party shall, at the direction of the Department, submit a groundwater monitoring plan or a corrective action plan, or a combination thereof, meeting the cleanup standards of this Subsection and containing the

information required in 15A NCAC 2L .0106(h) and 15A NCAC 2N .0707. All discharges or releases which are classified as intermediate risk shall be remediated, at a minimum, to a cleanup level of 50 percent of solubility of the contaminant or 1,000 times the groundwater standard or interim standard established in 15A NCAC 2L .0202, whichever is lower. Additionally, if a corrective action plan or groundwater monitoring plan is required under this Subsection, the responsible party shall demonstrate that the cleanup levels are sufficient to prevent a violation of:

- (1) the Rules contained in 15A NCAC 2B;
- (2) the standards contained in 15A NCAC 2L .0202 in a deep aquifer as described in Part (d)(2)(B) of this Rule; and
- (3) the standards contained in 15A NCAC 2L .0202 at a location no closer than one year time of travel upgradient of a well within a designated wellhead protection area, based on travel time and the natural attenuation capacity of the subsurface materials or on a physical barrier to groundwater migration that exists or will be installed by the person making the request.

In any corrective action plan submitted pursuant to this Subsection, natural attenuation shall be used to the maximum extent possible.

(h) If the risk posed by a discharge or release is determined by the Department to be a low risk, the Department shall notify the responsible party that no cleanup, no further cleanup or no further action will be required by the Department unless the Department later determines that the discharge or release poses an unacceptable risk or a potentially unacceptable risk to human health or the environment. No notification will be issued pursuant to this subsection, however, until the responsible party has completed soil remediation pursuant to Paragraph (i) of this Rule. The issuance by the Department of a notification under this Paragraph shall not affect any private right of action by any party which may be affected by the contamination.

(i) Assessment and remediation of soil contamination shall be addressed as follows:

- (1) The responsible party shall submit a report to the Department assessing the vertical and horizontal extent of soil contamination.
- (2) The Department shall determine, based on site-specific information, whether the site is "residential" or "industrial/commercial." For purposes of this Rule, a site is presumed residential, but may be classified as industrial/commercial if the Department determines based on site-specific information that exposure to the soil contamination is limited in time due to the use of the site and does not involve exposure to children.
- (3) For a discharge or release classified by the Department as low risk, the responsible party shall submit a report demonstrating that soil

contamination has been remediated to either the residential or industrial/commercial maximum soil contaminant concentration established by the Department pursuant to Paragraph (m), whichever is applicable.

(4) For a discharge or release classified by the Department as high or intermediate risk, the responsible party shall submit a report demonstrating that soil contamination has been remediated to the lowest of:

- (A) the residential or industrial/commercial maximum soil contaminant concentration, whichever is applicable, that has been established by the Department pursuant to Paragraph (m) of this Rule; or
- (B) the "soil-to-groundwater" maximum soil contaminant concentration that has been established by the Department pursuant to Paragraph (m) of this Rule.

(j) A responsible party who submits a corrective action plan which proposes natural attenuation or to cleanup groundwater contamination to a standard other than a standard or interim standard established in 15A NCAC 2L .0202, or to cleanup soil other than to the standard for residential use or soil-to-groundwater contaminant concentration established pursuant to this Rule, whichever is lower, shall give notice to: the local Health Director and the chief administrative officer of each political jurisdiction in which the contamination occurs; all property owners and occupants within or contiguous to the area containing the contamination; and all property owners and occupants within or contiguous to the area where the contamination is expected to migrate. Such notice shall describe the nature of the plan and the reasons supporting it. Notification shall be made by certified mail concurrent with the submittal of the corrective action plan. Approval of the corrective action plan by the Department shall be postponed for a period of 30 days following receipt of the request so that the Department may consider comments submitted by interested individuals. The responsible party shall, within a time frame determined by the Department, provide the Department with a copy of the notice and proof of receipt of each required notice, or of refusal by the addressee to accept delivery of a required notice. If notice by certified mail to occupants under this Subsection is impractical, the responsible party may give notice by posting such notice prominently in a manner designed to give actual notice to the occupants. If notice is made to occupants by posting, the responsible party shall provide the Department with a copy of the posted notice and a description of the manner in which such posted notice was given.

(k) A responsible party who receives a notice pursuant to Paragraph (h) of this Rule for a discharge or release which has not been remediated to the groundwater standards or interim standards established in Rule .0202 of this Section or to the lower of the residential or soil-to-groundwater contaminant concentrations established under Paragraph (m)

of this Rule, shall, within 30 days of the receipt of such notice, provide a copy of the notice to: the local Health Director and the chief administrative officer of each political jurisdiction in which the contamination occurs; all property owners and occupants within or contiguous to the area containing contamination; and all property owners and occupants within or contiguous to the area where the contamination is expected to migrate. Notification shall be made by certified mail. The responsible party shall, within a time frame determined by the Department, provide the Department with proof of receipt of the copy of the notice, or of refusal by the addressee to accept delivery of the copy of the notice. If notice by certified mail to occupants under this Paragraph is impractical, the responsible party may give notice by posting a copy of the notice prominently in a manner designed to give actual notice to the occupants. If notice is made to occupants by posting, the responsible party shall provide the Department with a description of the manner in which such posted notice was given.

(l) To the extent feasible, the Department shall maintain in each of the Department's regional offices a list of all petroleum underground storage tank discharges or releases discovered and reported to the Department within the region on or after the effective date of this Rule and all petroleum underground storage tank discharges or releases for which notification was issued under Paragraph (h) by the Department on or after the effective date of this Rule.

(m) The Department shall publish, and annually revise, maximum soil contaminant concentrations to be used as soil cleanup levels for contamination from petroleum underground storage tank systems. Maximum soil contaminant concentrations will be established for residential, industrial/commercial and soil-to-groundwater exposures. The following equations and references shall be used in establishing the residential and industrial/commercial maximum soil contaminant concentrations:

Residential:

Equation 1: Non-cancer Risk-based Residential Concentration

$$\text{Soil mg/kg} = 15,642.86 \times \text{oral chronic reference dose}$$

Equation 2: Cancer Risk-based Residential Concentration

$$\text{Soil mg/kg} = 0.6387 / \text{oral cancer slope factor}$$

Industrial/Commercial:

Equation 1: Non-cancer Risk-based Industrial/Commercial Concentration

$$\text{Soil mg/kg} = 408,800 \times \text{oral chronic reference dose}$$

Equation 2: Cancer Risk-based Industrial/Commercial Concentration

$$\text{Soil mg/kg} = 5.7232 / \text{oral cancer slope factor}$$

Equation 1 shall be used for each contaminant with an EPA carcinogenic classification of A, B1, B2, C, D or E. Equation 2 shall be used for each contaminant with an EPA

carcinogenic classification of A, B1, B2 or C. The maximum soil contaminant concentration shall be the lowest of the concentrations derived from Equations 1 and 2. The following references or the most recent version of these references, in order of preference, shall be used to obtain oral chronic reference doses and oral cancer slope factors:

- (1) EPA. Integrated Risk Information System (IRIS) Computer Database;
- (2) EPA. Health Effects Assessment Summary Tables (HEAST);
- (3) EPA Region III. Risk-based Concentration Tables (RBC Tables). Office of RCRA, Technical and Program Support Branch. Available at: <http://www.epa.gov/reg3hwmd/riskmenu.htm? =Risk+Guidance;>
- (4) EPA. 1995. Supplemental Guidance to RAGS: Region 4 Bulletins Human Health Risk Assessment, including future amendments;
- (5) Other appropriate, published health risk assessment data, and scientifically valid peer-reviewed published toxicological data.

The following equations and references shall be used in establishing the soil-to-groundwater maximum contaminant concentrations:

Organic Constituents:

Soil mg/kg = groundwater standard or interim standard x [(0.02 x soil organic carbon-water partition coefficient) + 4 + (1.72 x 41 x Henry's Law Constant (atm.-m³/mol.))]

Inorganic Constituents:

Soil mg/kg = groundwater standard or interim standard x [(20 x soil-water partition coefficient for pH of 5.5) + 4 + (1.72 x 41 x Henry's Law Constant (atm.-m³/mol.))]

If no groundwater standard or interim standard has been established under Rule 2L .0202 of this Section, the practical quantitation limit should be used in lieu of a standard to calculate the soil-to-groundwater maximum contaminant concentrations. The following references or the most recent version of these references, in order of preference, shall be used to obtain soil organic carbon-water partition coefficients for organic constituents, soil-water partition coefficients for inorganic constituents and Henry's Law Constants:

Organic Constituents:

- (1) EPA, 1996. Soil Screening Guidance: Technical Background Document. (EPA/540/R95/128);
- (2) EPA, 1986. Superfund Public Health Evaluation Manual. Office of Emergency and Remedial Response (EPA/540/1-86/060);
- (3) Agency for Toxic Substances and Disease Registry, "Toxicological Profile for *individual chemical*." U.S. Public Health Service;
- (4) Montgomery, J.H., 1996. Groundwater Chemicals desk Reference. CRC Press, Inc.;
- (5) Sims, R.C., J.L. Sims and S.G. Hansen, 1991. Soil Transport and Fate Database, Version 2.0. EPA Robert S. Kerr Environmental Laboratory; and

- (6) Other appropriate, published, peer-reviewed and scientifically valid data.

Inorganic Constituents:

- (1) EPA, 1996. Soil Screening Guidance: Technical Background Document. (EPA/540/R95/128);
- (2) Baes, C.F., III, R.D. Sharp, A.L. Sjoreen, and R.W. Shor, 1984. A Review and Analysis of Parameters for Assessing Transport of Environmentally Released Radionuclides Through Agriculture. Oak Ridge National Laboratory;
- (3) Agency for Toxic Substances and Disease Registry, "Toxicological Profile for *individual chemical*." U.S. Public Health Service;
- (4) Sims, R.C., J.L. Sims and S.G. Hansen, 1991. Soil Transport and Fate Database, Version 2.0. EPA Robert S. Kerr Environmental Laboratory; and
- (5) Other appropriate, published, peer-reviewed and scientifically valid data.

(n) Analytical procedures for soil samples required under this Rule shall be as follows:

- (1) soil samples collected from a discharge or release of low boiling point fuels, including, but not limited to gasoline, aviation gasoline and gasohol, shall be analyzed for volatile hydrocarbons and additives using EPA Method 8260, including isopropyl ether and methyl tertiary butyl ether;
- (2) soil samples collected from a discharge or release of high boiling point fuels, including, but not limited to, kerosene, diesel, varsol, mineral spirits, naphtha, jet fuels and fuel oil no. 2, shall be analyzed for volatile hydrocarbons using EPA Method 8260 and semivolatile hydrocarbons using EPA Method 8270;
- (3) soil samples collected from a discharge or release of heavy fuels shall be analyzed for semivolatile hydrocarbons using EPA Method 8270;
- (4) soil samples collected from a discharge or release of used and waste oil shall be analyzed for volatile hydrocarbons and chlorinated solvents using EPA Method 8260, semivolatile hydrocarbons using EPA Method 8270, polychlorinated biphenyls using EPA Method 8080, and chromium and lead, using procedures specified in Subparagraph (6) of this Paragraph;
- (5) soil samples collected from any discharge or release subject to this Rule shall be analyzed for alkane and aromatic carbon fraction classes using methods approved by the Director under Rule 2H.0805 (a)(1) of this Chapter; and analytical methods specified in Subparagraphs (1), (2), (3), and (4) of this Paragraph shall be performed as specified in the following references or the most recent version of these references: Test Methods for Evaluating Solid Wastes: Physical/Chemical Methods, November 1990, U.S. Environmental Protection Agency publication number SW-846; or in accordance
- (6)

with other methods or procedures approved by the Director under 15A NCAC 2H .0805 (a)(1).

(o) Analytical procedures for groundwater samples required under this Rule shall be as follows:

(1) groundwater samples collected from a discharge or release of low boiling point fuels, including, but not limited to, gasoline, aviation gasoline and gasohol, shall be analyzed for volatile hydrocarbons using Standard Method 6210D or EPA Methods 601 and 602, including xylenes, isopropyl ether and methyl tertiary butyl ether. Samples shall also be analyzed for ethylene dibromide using EPA Method 504.1 and lead using Standard Method 3030C preparation. 3030C metals preparation, using a 0.45 micron filter, must be completed within 72 hours of sample collection;

(2) groundwater samples collected from a discharge or release of high boiling point fuels, including, but not limited to, kerosene, diesel, varsol, mineral spirits, naphtha, jet fuels and fuel oil no. 2, shall be analyzed for volatile hydrocarbons using EPA Method 602 and semivolatile hydrocarbons plus the 10 largest non-target peaks identified using EPA Method 625;

(3) groundwater samples collected from a discharge or release of heavy fuels shall be analyzed for semivolatile hydrocarbons plus the 10 largest non-target peaks identified using EPA Method 625;

(4) groundwater samples collected from a discharge or release of used or waste oil shall be analyzed for volatile hydrocarbons and chlorinated solvents using Standard Method 6210D, semivolatile hydrocarbons plus the 10 largest non-target peaks identified using EPA Method 625, and chromium and lead using Standard Method 3030C. 3030C metals preparation, using a 0.45 micron filter, must be completed within 72 hours of sample collection; and

(5) analytical methods specified in Subparagraphs (1), (2), (3) and (4) of this Paragraph shall be performed as specified in the following references or the most recent version of these references: Test Procedures for the Analysis of Pollutants under the Clean Water Act, Federal Register Vol. 49 No. 209, 40 CFR Part 136, October 26, 1984; Standard Methods for the Examination of Water and Wastewater, published jointly by American Public Health Association, American Water Works Association and Water Pollution Control Federation; Methods for Determination of Organic Compounds in Drinking Water, U.S. Environmental Protection Agency publication number EPA-600/4-79-020; or in accordance with other methods or procedures approved by the Director under 15A NCAC 2H .0805 (a)(1). In accordance with 15A NCAC 2H .0804,

laboratories are required to obtain North Carolina Division of Water Quality laboratory certification for parameters that are required to be reported to the State in compliance with the State's surface water, groundwater and pretreatment rules.

(q) This Rule shall not relieve any person responsible for assessment or cleanup of contamination from a source other than a commercial or noncommercial underground storage tank from its obligation to assess and clean up contamination resulting from such discharge or releases.

(r) If the risk posed by the discharge or release has been classified by the Department as Class AB under 1995 (Reg. Sess., 1996) c. 648, s. 1, the discharge or release is classified as high risk under this Rule unless and until the Department reclassifies the risk posed by the discharge or release. If the risk posed by the discharge or release has been classified by the Department as Class CDE under 1995 (Reg. Sess., 1996) c. 648, s. 1, the discharge or release is classified as low risk under this Rule unless and until the Department reclassifies the risk posed by the discharge or release. Responsible parties for Class AB discharges or releases shall continue to comply with notices previously received from the Department unless and until the Department determines under Paragraph (b) that this Rule should apply to the discharge or release. If a site assessment pursuant to Rule .0106 (c) and (g) of this Section has not been submitted to the Department for a Class AB or Class CDE discharge or release before the effective date of this Rule, the responsible party shall comply with Paragraph (c) of this Rule unless the Department has issued a closure notice for the discharge or release. For discharges or releases classified as low risk under this subsection and for which a site assessment pursuant to Rule .0106 (c) and (g) of this Section has been submitted to the Department prior to the effective date of this Rule, the Department may issue a notification under Paragraph (h) of this Rule if the responsible party demonstrates that soil contamination does not exceed contamination cleanup levels established by the Department in the "Groundwater Section Guidelines for the Investigation and Remediation of Soils and Groundwater" (June 1993).

Authority G.S. 143-215.2; 143-215.3(a)(1); 143-215.94A; 143-215.94E; 143-215.94(T); 143-215.94(V); 143B-282; 1995 (Reg. Sess. 1996) c.648, s.1.

SUBCHAPTER 2N - UNDERGROUND STORAGE TANKS

SECTION .0700 - RELEASE RESPONSE AND CORRECTIVE ACTION FOR UST SYSTEMS CONTAINING PETROLEUM OR HAZARDOUS SUBSTANCE

.0701 GENERAL

(a) The "General" provisions contained in 40 CFR 280.60 (Subpart F) have been adopted by reference in

accordance with G.S. 150B-14(e), G.S. 150B-21.6.

(b) Any corrective action undertaken in accordance with this Section must meet the requirements and standards specified in 15A NCAC ~~2L-0106~~, ~~2L~~.

Authority G.S. 143-215.3(a)(15); 143B-282(2)(h); 150B-21.6.

.0707 CORRECTIVE ACTION PLAN

(a) The provisions for a "Corrective action plan" contained in 40 CFR 280.66 (Subpart F) have been incorporated by reference including any subsequent amendments and editions with the exception of the following Paragraph. This material is available for inspection at the Department of Environment, Health and Natural Resources, Division of Environmental Management, Water Quality, Groundwater Section, ~~512 North Salisbury Street, 2728 Capital Boulevard~~, Raleigh, North Carolina. Copies of 40 CFR Parts 260 to 299 may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402 at a cost of thirty-one dollars (\$31.00).

(b) 40 CFR 280.66(a) has been rewritten to read: "At any point after reviewing the information submitted in compliance with 40 CFR 280.61 through 40 CFR 280.63, the Division may require owners and operators to submit additional information or to develop and submit a corrective action plan for responding to contaminated soils and groundwater. If a plan is required, owners and operators must prepare a plan in accordance with the requirements specified in 15A NCAC 2L-0106, and submit it according to a schedule and format established by the Division. Owners and operators are responsible for submitting a plan that provides for adequate protection of human health and the environment as determined by the Division, and must modify their plan as necessary to meet this standard."

Authority G.S. 143-215.3(a)(15); 143B-282(2)(h).

SUBCHAPTER 2P - LEAKING PETROLEUM STORAGE TANK CLEANUP FUNDS

SECTION .0400 - REIMBURSEMENT PROCEDURE

.0402 CLEANUP COSTS

(a) In determining whether costs expended by an owner or operator or landowner are reasonable and necessary, the Division shall consider the following:

- (1) Adequacy and cost-effectiveness of any work performed and technical activity utilized by the owner or operator or landowner in performing release response, site assessment and corrective action.
- (2) Typical billing rates of engineering, geological, or other environmental consulting firms providing similar services in the State as determined by the Division.

- (3) Typical rental rates for any necessary equipment as determined by the Division. The amount reimbursed for equipment rental shall not exceed the typical purchase price of such equipment.
- (4) Typical costs or rates of any other necessary service, labor or expense as determined by the Division.
- (5) Whether costs expended for corrective action were required by 15A NCAC 2L

(b) Expenditures not eligible for reimbursement shall include the following:

- (1) Costs of the removal and disposal of noncommercial underground storage tanks and contents removed on or after July 3, 1991, and of commercial underground storage tanks and contents removed on or after January 1, 1992;
- (2) Costs of the replacement of any underground storage tank, piping, fitting, or ancillary equipment;
- (3) Costs incurred in preparation of any proposals or bid by a provider of service for the purpose of soliciting or bidding for the opportunity to perform an environmental investigation or cleanup, even if that provider is ultimately selected to provide the service solicited;
- (4) Interest on any accounts, loans, etc.;
- (5) Expenses charged by the owner or operator or landowner in the processing and management of a reimbursement application or subsequent claims;
- (6) Attorney's fees;
- (7) Penalties, fees, and fines assessed by any court or agency;
- (8) Loss of profits, fees, and wages incurred by the owner or operator or landowner;
- (9) Any other expenses not specifically related to environmental cleanup, or implementation of a cost effective environmental cleanup, or third party bodily injury or property damage.

Authority G.S. 143-215.3; 143-215.94B; 143-215.94D; 143-215.94E; 143-215.94L; 143-215.94T; 143-215.94V; 143B-282.

The Codifier of Rules has entered the following temporary rule(s) in the North Carolina Administrative Code. Pursuant to G.S. 150B-21.1(e), publication of a temporary rule in the North Carolina Register serves as a notice of rule-making proceedings unless this notice has been previously published by the agency.

TITLE 2 - DEPARTMENT OF AGRICULTURE

Rule-making Agency: *North Carolina Structural Pest Control Committee*

Rule Citation: *2 NCAC 34 .0503, .0602, .0604 - .0605*

Effective Date: *January 10, 1997*

Findings Reviewed by Beecher Gray: *Approved*

Authority for the rule-making: *G.S. 106-65.29*

Reason for Proposed Action: *To provide for regulation of termite bait products used by pest control licensees.*

Comment Procedures: *Written comments may be submitted no later than April 4, 1997, to Carl E. Falco, Secretary, North Carolina Structural Pest Control Committee, P.O. Box 27647, Raleigh, NC 27611.*

CHAPTER 34 - STRUCTURAL PEST CONTROL DIVISION

SECTION .0500 - WOOD - DESTROYING INSECTS

.0503 SUBTERRANEAN TERMITE CONTROL: BUILDINGS AFTER CONSTRUCTED

(a) **Basement or Crawl-Space Construction:**

- (1) Access openings shall be provided to permit inspection of all basement and crawl-space areas of a building and all open porches.
- (2) Clean up and remove all wood debris and cellulose material, such as wood, paper, cloth, etc., contacting soil in all crawl-space areas. This excludes shavings or other cellulose material too small to be raked with the tines of an ordinary garden rake. Remove all visible stumps from all crawl-space areas. Remove all visible form boards in contact with soil.
- (3) Remove all earth which is within 12 inches of the bottom edges of floor joists or within eight inches of the bottom edges of subsills or supporting girders, but not below footings of foundation walls. If foundation footings are less than 12 inches below the bottom edges of joists or subsills or supporting girders, a bank of soil 12 inches to 18 inches wide shall be left adjacent to footings for the purpose of support. Clearance shall be adequate to provide passage of a man to all crawl-space areas of a building.

- (4) All visible termite tubes or tunnels on pillars, pilasters, foundation walls, chimneys, step buttresses, sills, pipes, and other structures below the sill line shall be removed.
- (5) Eliminate all wooden parts between the building and soil, both outside and inside, except those which appear to be pressure treated:
 - (A) No wood of any access opening shall be in contact with the soil.
 - (B) Where wood parts such as door frames, partition walls, posts, stair carriages or other wood parts can be reasonably ascertained to be making direct soil contact through concrete or where there is evidence of termite activity or damage they shall be cut off above the ground or floor level, and the wood removed from the concrete; and the hole shall be filled with concrete or covered with a metal plate, after the point of contact has been treated with a termiticide.
 - (C) Where wood parts such as vertical wood supports or other wood parts under a building or steps outside a building are not resting on solid masonry or concrete bases extending at least two inches above the soil surface or are in direct soil contact and such supports or steps are not removed, the supports and steps shall be cut off and set on a solid masonry or concrete footing extending at least two inches above the ground after the point of contact has been treated with a termiticide.
 - (D) When wood skirting and lattice work are suspended, there shall be at least a two-inch clearance between the top of the soil and the bottom edges of the wood skirting or lattice work. If the two-inch clearance is not acceptable to the property owner, it may be closed with solid masonry or concrete but a minimum clearance of one-fourth of one inch shall be provided between the masonry and wood.
 - (E) Where wood fence posts are making contact with the soil and any part of a building and such posts are not removed, a minimum clearance of one-fourth of one inch shall be provided between the posts and the building part; a continuous, non-corrosive, sheet metal barrier, extending two inches beyond each side of the post(s), may be substituted for the

clearance. If the fence has wood railings, alteration(s) of the fence post against the building will not suffice.

(F) Where houses or decks are built on pressure treated wood pilings, pillars or all-weather wood foundations, such pilings, pillars and wood foundation members, including wood step supports, shall not be subject to Rule .0503(a)(5)(A), (B) or (C).

(6) Drill and treat all voids in multiple masonry foundation and bearing walls and all voids created by their placement. Porch foundation walls shall be drilled to a distance of three feet from the main foundation wall and the point of contact with any wooden members.

(A) The distance between drill holes shall not exceed 16 lineal inches and holes shall be no more than 16 inches above the footing or immediately above the lowest soil level whichever is closest to the footing.

(B) The drilling of voids in four inch thick hollow structural block shall not be required under this Rule.

(C) Test drill the main foundation wall behind any porch or slab area to determine if the porch or slab is supported by a wall whose placement creates a void between itself and the main foundation wall. If test reveals that a void exist, drill and treat all voids therein as specified in this Rule.

(7) Drill and treat all voids in all multiple masonry pillars, pilasters, chimneys, and step buttresses, and any void created by their placement:

(A) The distance between drill holes shall not exceed 16 lineal inches and shall be no more than 16 inches above the footing or immediately above the lowest soil level, whichever is closest to the footing.

(B) Drilling shall not be required if solid concrete masonry footings of pillars, pilasters, chimneys or step buttresses extend eight inches or more above top of soil surface.

(C) The drilling of voids in four inch thick hollow structural block shall not be required under this Rule.

(8) Where concrete slabs over dirt-filled areas are at the level of, above the level of, or in contact with, wood foundation members treat dirt-filled areas as follows:

(A) Drill vertically three-eighths of one inch or larger holes in the slab, no more than eight inches from the building foundation, at no more than 16 inch intervals and treat soil below slab; or

(B) Drill horizontally three-eighths of one inch or larger holes in the foundation wall of the concrete slab, no more than eight inches from the building foundation, every 16 vertical inches starting immediately below the bottom of the slab and treat all soil adjacent to building foundation from the bottom of the slab to the lowest outside grade.

(9) Treat soil adjacent to, but not more than eight inches from, all pillars, pilasters, chimneys, pressure treated wood supports and step buttresses; inside of foundation walls; outside of foundation walls of concrete slabs over dirt-filled areas and the entire perimeter of a slab foundation wall. Where outside concrete slabs adjacent to the foundation prevent trenching of soil, drill three-eighths of one inch or larger holes, not more than 16 inches apart and within 8 inches of the foundation wall, through slabs or through adjoining foundation wall, and treat soil below slabs. The soil immediately around pipes and other utility conduits making contact with the structure, shall be treated.

(10) Where stucco on wood or similar type materials extend to or below grade, trench soil to a depth below and under the edge of the stucco or similar type materials and treat soil. After the soil has been treated, a masonry barrier wall may be erected to hold back the soil from making direct contact with the stucco or similar type materials. Where outside slabs on grade adjacent to foundation prevent trenching of soil, drill three-eighths of one inch or larger holes through slabs within eight inches of the foundation wall, or through adjoining foundation wall, not more than 16 inches apart and treat soil below slabs.

(11) Rule .0503(b) of this Section shall be followed if applicable to basement or crawl-space construction.

(b) Slab-on-Ground Construction:

(1) Treat soil with a termiticide in, under, and around, all traps and openings in the slab.

(2) Drill vertically three-eighths inch or larger holes, at all visible or known expansion and construction joints, cracks, and crevices in slab and around all utility conduits in the slab at no more than 16 inch intervals and treat soil below slab. Where wooden structural members are in contact with concrete or masonry floors which have joints or cracks beneath the wooden structural members, including wall plates in utility or storage rooms adjoining the main building, the concrete or masonry shall be drilled and treated in order to achieve treatment of the soil beneath them. As an exception, expansion and construction joints at the perimeter of the exterior wall may be treated by drilling through the foundation wall at no more

than 16-inch intervals directly below the bottom of the slab.

(3) Rule .0503(a) of this Section shall also be followed.

(c) Reapplication of Pesticide(s) to a Structure Previously Treated for Subterranean Termite Control:

(1) A reapplication of termiticide shall be required if soil test by the Division reveals that the soil is deficient in the termiticide which was applied to the soil.

(2) Any re-application of pesticides under Rule .0503 shall be in accordance with the label of the pesticide used.

(d) A licensee may enter into a written agreement for the control or prevention of subterranean termites in a building after it has been constructed without having to abide by Rules .0503(a) and (b) of this Section provided that:

(1) The licensee has written proof, satisfactory to the committee, that he or his authorized agent, treated the entire building for subterranean termites at the time of its construction as required in Rule .0505 of this Section (or comparable regulations by the committee at the time of treatment).

(2) A written agreement is issued in compliance with Rule .0605 of Section .0600.

(e) Paragraphs (a) and (b) of this Rule shall not apply to subterranean termite treatment performed using termite bait(s) provided the bait is labeled for protection of the entire structure and the licensee provides a warranty for the control of subterranean termites on the entire structure.

History Note: Filed as a Temporary Repeal Eff. August 24, 1987 for a Period of 30 Days to Expire on September 22, 1987;

Authority G.S. 106-65.29;

Eff. July 1, 1976;

Readopted Eff. November 22, 1977;

Amended Eff. August 1, 1980;

Temporary Expired Eff. September 22, 1987;

Amended Eff. January 1, 1989;

Temporary Amendment Eff. January 10, 1997.

SECTION .0600 - WOOD - DESTROYING ORGANISMS AGREEMENTS

.0602 WOOD-DESTROYING INSECT AND OTHER ORGANISM REPORTS

(a) Any written statement as to the presence or absence of wood-destroying insects or their damage in buildings or structures for sale shall be on the WDIR 100. An incomplete or inaccurate Wood-Destroying Insect Information Report shall not be acceptable and the issuance of such a report is grounds for disciplinary action by the Committee. No Wood-Destroying Insect Information Report or Wood-Destroying Organism Report shall be issued before an inspection of the building or structure is made. Each Wood-Destroying Insect Information Report issued by a

licensee shall be kept in the files of said licensee and made available for inspection upon request of the Division.

(b) If during the inspection of a structure, a licensee or his authorized agent finds live subterranean termites or visible evidence of past or present infestation of subterranean termites (such as tubes, damage, cast wings, infested wood scraps or other cellulose materials, etc.) in the structure and there is no visible evidence that said structure has been treated for subterranean termites, the licensee shall treat said structure for subterranean termites prior to the issuance of a Wood-Destroying Insect Information Report on the structure which states that the structure is free from subterranean termites.

(c) If a treatment is performed in conjunction with a WDIR, a copy of the contract and warranty, if any, shall be attached to and become part of the WDIR.

(d) A licensee, certified applicator or registered technician shall not remove or destroy, or cause the removal or destruction of, any wood-destroying organism evidence discovered in, on, under or in or on debris under a structure inspected pursuant to this Rule except as required by Paragraph (b) of this Rule.

History Note: Authority G.S. 106-65.29;

Eff. July 1, 1976;

Readopted Eff. November 22, 1977;

Amended Eff. August 3, 1992; September 1, 1987; August 1, 1980;

Temporary Amendment Eff. January 10, 1997.

.0604 WOOD-DESTROYING ORGANISMS RECORDS

(a) A duplicate of each written agreement and waiver (if applicable), for the control or prevention of any wood-destroying organism shall be kept by the licensee for a minimum of two years beyond the expiration date of the written agreement. The duplicate of each written agreement shall contain, in addition to the information specified under Rule .0605(a) or Rule .0605(d) of this Section, the following:

(1) EPA approved brand name of pesticide used; and
(2) Information required by EPA.

(b) A duplicate of each wood-destroying insect or wood-destroying organism report shall be kept by the licensee for a minimum of two years beyond the date of issuance.

(c) Non-commercial certified applicators shall maintain the following records for two years beyond the last date of treatment:

(1) EPA approved brand name of all pesticides used;
(2) Target pest;
(3) Site of application;
(4) Date of application; and
(5) Information required by EPA.

(d) If the pesticide used to control any wood-destroying organism requires or recommends monitoring or inspecting for the pest to be controlled, the licensee, certified

applicator or their employees shall make and maintain records of all such monitoring or inspection activities. Such records shall be made available for inspection as provided for in 2 NCAC 34 .0328.

History Note: Authority G.S. 106-65.29; Eff. July 1, 1976; Readopted Eff. November 22, 1977; Amended Eff. August 3, 1992; January 1, 1989; August 1, 1980; Temporary Amendment Eff. January 10, 1997.

.0605 CONTRACTUAL AGREEMENTS FOR WOOD-DESTROYING ORGANISMS

(a) All agreements for the control or prevention of wood-destroying organisms in existing structures shall be in writing and shall clearly set forth and include the following:

- (1) Date property was inspected and full name of the inspector;
- (2) Exact location of property inspected or treated;
- (3) Complete name and address of the property owner or his authorized agent;
- (4) Complete name and address of the licensee;
- (5) License number and phase(s) of the licensee and full name of company licensee represents;
- (6) Signature of licensee or his authorized agent;
- (7) For existing structures, the written agreement shall include a foundation diagram or, if required or recommended by the label of the pesticide used, a site plan of the structure(s) or portions of such structure(s) inspected. The diagram or site plan shall clearly indicate and make full disclosure of the location of individual water sources, any visual evidence of wood-destroying organism infestation, whether it be active or inactive, and visibly damaged timbers; of:
 - (A) The location of individual water sources;
 - (B) Any visible evidence of wood-destroying organism infestation;
 - (C) Whether the infestation is active or inactive;
 - (D) The location of any visibly damaged timbers;
 - (E) Portions of the structure treated or not treated; and,
 - (F) The minimum number and proposed location(s) of bait or monitoring device placements, if applicable;
- (8) The date upon which the written agreement is entered into and the period of time covered by the written agreement;
- (9) The written agreement must clearly indicate, by complete not abbreviated common name(s), the wood-destroying organism(s) to be controlled or prevented, and covered under the written agreement;
- (10) Whether or not reinspections are to be made and,

if so, approximate time interval between, and renewal fees for same;

- (11) Conditions under which retreatments will be made;
- (12) Total price to be charged for treatment service, and for repairs or excavations, where such are to be performed;
- (13) The written agreement, waiver (if applicable) and Wood-Destroying Insect Report or Wood-Destroying Organism Report, shall not show or include the address and telephone number of any licensee's representative or employee other than the address and telephone number of those specified in Subparagraphs (a)(3), (4), and (5) of this Rule;
- (14) Any licensee or business entity advertising to be bonded shall advise each customer, in writing, in the proposal, whether or not the contract or written agreement will be covered by a bond of any type;
- (15) If the performance of the work is guaranteed by a bond, the agreement shall set forth those performance guarantees in wording identical to that in the bond itself;
- (16) Rule .0501(a) of this Chapter shall also be followed.

(b) A structure or structures covered by a contract for wood-destroying organism(s) treatment shall not knowingly be placed under an additional contract for the same treatment while the first contract is still in effect.

(c) When periodic reinspections or retreatments are specified in written agreements for the control or prevention of wood-destroying organisms, the licensee shall issue to the property owner or his authorized agent, after each reinspection or retreatment, a signed report of each reinspection or retreatment showing the condition of the property with respect to the presence or absence of wood-destroying organisms. A record of such reinspections and retreatments shall be kept in the file of the licensee. Such reports shall be subject to inspection by the enforcement agency or committee.

(d) All agreements for the control or prevention of wood-destroying organisms in buildings under construction shall be in writing and shall clearly set forth and include the following:

- (1) Date of final treatment and period of time covered by the written agreement;
- (2) Exact location of the treated property;
- (3) Complete name and address of the property owner or his authorized agent;
- (4) Complete name and address of the licensee;
- (5) License number and phase(s) of the licensee and full name of company licensee represents;
- (6) Signature of licensee or his authorized agent;
- (7) The written agreement must clearly indicate, by complete not abbreviated common name(s), the wood-destroying organism(s) to be controlled or

prevented, and covered under the written agreement;

(8) Whether or not reinspections are to be made and if so, approximate time interval between, and renewal fees, if any, for same;

(9) Conditions under which retreatments will be made;

(10) Total price to be charged for treatment service;

(11) Any licensee or business entity advertising to be bonded shall advise each customer, in writing, in the proposal, whether or not the contract or written agreement will be covered by a bond of any type;

(12) If the performance of the work is guaranteed by a bond, the agreement shall set forth those performance guarantees in wording identical to that in the bond itself;

(13) Rule .0604(a) of this Section shall also be followed.

(e) If the licensee provides preventive treatment(s) for subterranean termites to a structure(s) for someone such as a builder or construction company who is constructing the building(s) for someone else or with the purpose of offering the building(s) for sale, the licensee may enter into a single master agreement with the builder to provide the preventive treatment(s) for subterranean termites. This single master agreement shall include the following:

- (1) Complete name and address of the builder, or his authorized agent;
- (2) That information required in Subparagraphs (d)(4), (5), (6), (7), (8), (9), (10), (11), (12), and (13) of this Rule.

(f) When a structure is treated under an agreement with a builder, the licensee shall:

(1) Following completion of the treatment, and upon notification by the builder or buyer, issue a written agreement to the initial buyer. The written agreement issued to the buyer shall include the following:

- (A) Complete name and address of the builder, or his authorized agent as it appears on the builder's agreement;
- (B) That information required in Subparagraphs (d)(1), (2), (3), (4), (5), (6), (7), (8), (9), and (11) of this Rule. The builder shall be issued a copy of any written agreement issued the buyer.

(2) Maintain a record of each treatment performed on each structure to include the following information:

- (A) Exact location of the structure treated;
- (B) Date each treatment was performed;
- (C) The portion(s) of the structure treated.

History Note: Filed as a Temporary Amendment Eff. October 15, 1987 for a Period of 180 Days to Expire on April 12, 1988; Authority G.S. 106-65.29; Eff. July 1, 1976; Readopted Eff. November 22, 1977; Amended Eff. August 20, 1980; August 1, 1980; Temporary Expired Eff. January 19, 1988; Amended Eff. August 3, 1992; January 1, 1991; January 1, 1989; Temporary Amendment Eff. January 10, 1997.

TITLE 10 - DEPARTMENT OF HUMAN RESOURCES

Rule-making Agency: DHR/Division of Facility Services

Rule Citation: 10 NCAC 3R .3002, .3051 - .3088

Effective Date: January 2, 1997

Findings Reviewed and approved by: Beecher R. Gray

Authority for the rule-making: G.S. 131E-176(25); 131E-177(1); 131E-183(b)

Reason for Proposed Action: To adopt as permanent rules the temporary version of the rules governing policies and need determinations for the 1997 State Medical Facilities Plan (SMFP).

Comment Procedures: Written comments must be submitted to the APA coordinator within 60 days of the publication of the rules in the North Carolina Register. Comments should be sent to Jackie Sheppard at the Division of Facility Services, PO Box 29530, Raleigh, NC 27626-0530. Telephone (919) 733-2342.

CHAPTER 3 - FACILITY SERVICES

SUBCHAPTER 3R - CERTIFICATE OF NEED REGULATIONS

SECTION .3000 - PLANNING POLICIES AND NEED DETERMINATIONS

.3002 APPLICABILITY OF RULES

Rules .3001, .3010, .3020, .3030, .3032, .3040, and .3050 of this Section do not apply to certificate of need applications for which the scheduled review period begins after January 1, 1997.

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997.*

.3051 APPLICABILITY OF RULES RELATED TO THE 1997 STATE MEDICAL FACILITIES PLAN

Rules .3052 through .3054 and .3056 through .3088 of this Section apply to certificate of need applications for which the scheduled review period begins on or after January 1, 1997. In addition, Rule .3055 of this Section will be used to implement procedures described within it after January 1, 1997.

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997.*

.3052 CERTIFICATE OF NEED REVIEW CATEGORIES

The agency has established nine categories of facilities and services for certificate of need review and will determine the appropriate review category or categories for all applications submitted pursuant to 10 NCAC 3R .0304. For proposals which include more than one category, the agency may require the applicant to submit separate applications. If it is not practical to submit separate applications, the agency will determine in which category the application will be reviewed. The review of an application for a certificate of need will commence in the next review schedule after the application has been determined to be complete. The nine categories of facilities and services are:

- (1) Category A. Proposals for acute health service facilities, except those proposals included in Categories B through H, including but not limited to the following types of projects: renovation, construction, equipment, and acute care services.
- (2) Category B. Proposals for long-term nursing facility beds; new continuing care facilities applying for exemption under 10 NCAC 3R .3083(b); and relocations of nursing facility beds under 10 NCAC 3R .3083(d).
- (3) Category C. Proposals for new psychiatric facilities; psychiatric beds in existing health care facilities; new intermediate care facilities for the mentally retarded (ICF/MR) and ICF/MR beds in existing health care facilities; new substance abuse and chemical dependency treatment facilities; substance abuse and chemical dependency treatment beds in existing health care facilities.
- (4) Category D. Proposals for new dialysis stations in response to the "county need" or "facility need" methodologies; and relocations of existing dialysis stations to another county.
- (5) Category E. Proposals for new or expanded inpatient rehabilitation facilities and inpatient rehabilitation beds in other health care facilities; and new or expanded ambulatory surgical facilities except those proposals included in Category H.
- (6) Category F. Proposals for new home health agencies or offices, new hospices, new hospice inpatient facility beds, and new hospice residential care facility beds.
- (7) Category G. Proposals for conversion of hospital beds to nursing care under 10 NCAC 3R .3083(a); and demonstration projects.
- (8) Category H. Proposals for bone marrow transplantation services, burn intensive care services, neonatal intensive care services, open heart surgery services, solid organ transplantation services, air ambulance equipment, cardiac angioplasty equipment, cardiac catheterization equipment, heart-lung bypass machines, gamma knives, lithotriptors, magnetic resonance imaging scanners, positron emission tomography scanners, major medical equipment as defined in G.S. 131E-176(14f), diagnostic centers as defined in G.S. 131E-176(7a), and oncology treatment centers as defined in G.S. 131E-176(18a).
- (9) Category I. Proposals involving cost overruns; expansions of existing continuing care facilities which are licensed by the Department of Insurance at the date the application is filed and are applying under exemptions from need determinations in 10 NCAC 3R .3072; relocations within the same county of existing health service facilities, beds or dialysis stations which do not involve an increase in the number of health service facility beds or stations; reallocation of beds or services; Category A proposals submitted by Academic Medical Center Teaching Hospitals designated prior to January 1, 1990; proposals submitted pursuant to 10 NCAC 3R .3080(c) by Academic Medical Center Teaching Hospitals designated prior to January 1, 1990; and any other proposal not included in Categories

A through H.

History Note: Authority G.S. 131E-176(25); 131E-177(I); 131E-183(b);
Temporary Adoption Eff. January 2, 1997.

.3053 CERTIFICATE OF NEED REVIEW SCHEDULE

The agency has established the following review schedules for certificate of need applications.
(1) Nursing Care Beds (in accordance with need determinations in 10 NCAC 3R .3072)

<u>CON Beginning</u>	
<u>County</u>	<u>Review Date</u>
<u>Alexander</u>	<u>April 1, 1997</u>
<u>Burke</u>	<u>February 1, 1997</u>
<u>Cherokee</u>	<u>October 1, 1997</u>
<u>Cleveland</u>	<u>April 1, 1997</u>
<u>Haywood</u>	<u>February 1, 1997</u>
<u>Jackson</u>	<u>October 1, 1997</u>
<u>Macon</u>	<u>October 1, 1997</u>
<u>Transylvania</u>	<u>February 1, 1997</u>
<u>Yancey</u>	<u>February 1, 1997</u>
<u>Davidson</u>	<u>October 1, 1997</u>
<u>Surry</u>	<u>August 1, 1997</u>
<u>Yadkin</u>	<u>August 1, 1997</u>
<u>Iredell</u>	<u>April 1, 1997</u>
<u>Lincoln</u>	<u>April 1, 1997</u>
<u>Union</u>	<u>August 1, 1997</u>
<u>Granville</u>	<u>May 1, 1997</u>
<u>Johnston</u>	<u>March 1, 1997</u>
<u>Lee</u>	<u>May 1, 1997</u>
<u>Wake</u>	<u>December 1, 1997</u>
<u>Brunswick</u>	<u>September 1, 1997</u>
<u>Cumberland</u>	<u>December 1, 1997</u>
<u>Harnett</u>	<u>March 1, 1997</u>
<u>Hoke</u>	<u>March 1, 1997</u>
<u>Moore</u>	<u>May 1, 1997</u>
<u>New Hanover</u>	<u>September 1, 1997</u>

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CON Beginning	
County	Review Date
Currituck	December 1, 1997
Greene	September 1, 1997
Lenoir	May 1, 1997
Nash	September 1, 1997

(2) Home Health Agency Offices (in accordance with need determinations in 10 NCAC 3R .3074)

CON Beginning	
HSA	Review Date
I	December 1, 1997
II	April 1, 1997
III	June 1, 1997
IV	November 1, 1997
V	March 1, 1997
VI	July 1, 1997

(3) Detox-Only Beds (in accordance with need determinations in 10 NCAC 3R .3078)

Mental Health Planning Areas	CON Beginning
	Review Date
1 (Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain)	April 1, 1997
4 (Henderson, Transylvania)	April 1, 1997
5 (Alexander, Burke, Caldwell, McDowell)	April 1, 1997
6 (Rutherford, Polk)	April 1, 1997
8 (Gaston, Lincoln)	April 1, 1997
11 (Davie, Iredell, Rowan)	April 1, 1997
13 (Surry, Yadkin)	June 1, 1997
15 (Rockingham)	June 1, 1997
17 (Alamance, Caswell)	June 1, 1997
18 (Orange, Person, Chatham)	June 1, 1997
20 (Vance, Granville, Franklin, Warren)	June 1, 1997
21 (Davidson)	May 1, 1997
23 (Bladen, Columbus, Robeson, Scotland)	May 1, 1997

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<u>Mental Health Planning Areas</u>	<u>CON Beginning</u>
	<u>Review Date</u>
<u>26 (Johnston)</u>	<u>May 1, 1997</u>
<u>27 (Wake)</u>	<u>May 1, 1997</u>
<u>31 (Wayne)</u>	<u>May 1, 1997</u>
<u>32 (Wilson, Greene)</u>	<u>May 1, 1997</u>
<u>33 (Edgecombe, Nash)</u>	<u>May 1, 1997</u>
<u>34 (Halifax)</u>	<u>May 1, 1997</u>
<u>35 (Carteret, Craven, Jones, Pamlico)</u>	<u>May 1, 1997</u>
<u>36 (Lenoir)</u>	<u>May 1, 1997</u>
<u>38 (Bertie, Gates, Hertford, Northampton)</u>	<u>May 1, 1997</u>
<u>39 (Beaufort, Hyde, Martin, Tyrrell, Washington)</u>	<u>May 1, 1997</u>
<u>40 (Camden, Chowan, Currituck, Dare, Pasquotank, Perquimans)</u>	<u>May 1, 1997</u>
<u>41 (Duplin, Sampson)</u>	<u>May 1, 1997</u>

(4) Intermediate Care Facility Beds for Mentally Retarded (in accordance with need determinations in 10 NCAC 3R .3079)

<u>Mental Health Planning Areas</u>	<u>CON Beginning</u>
	<u>Review Date</u>
<u>3 (Alleghany, Ashe, Avery, Watauga, Wilkes)</u>	<u>December 1, 1997</u>
<u>14 (Forsyth, Stokes)</u>	<u>December 1, 1997</u>
<u>21 (Davidson)</u>	<u>June 1, 1997</u>
<u>16 (Guilford)</u>	<u>June 1, 1997</u>
<u>18 (Orange, Person, Chatham)</u>	<u>November 1, 1997</u>
<u>24 (Cumberland)</u>	<u>May 1, 1997</u>
<u>30 (Onslow)</u>	<u>May 1, 1997</u>
<u>37 (Pitt)</u>	<u>May 1, 1997</u>

(5) Applications for certificates of need will be reviewed pursuant to the following review schedule, unless another schedule has been specified in Items (1) through (4) of this Rule.

<u>CON Beginning</u>	<u>HSA</u>	<u>HSA</u>
<u>Review Date</u>	<u>I, II, III</u>	<u>IV, V, VI</u>
<u>January 1</u>	<u>=</u>	<u>=</u>
<u>February 1</u>	<u>A, B, G, I</u>	<u>G</u>

<u>CON Beginning Review Date</u>	<u>HSA I, II, III</u>	<u>HSA IV, V, VI</u>
March 1	—	A, B, F, I
April 1	B, E, H, I	—
May 1	—	B, C, H, I
June 1	A, C, D, F, I	D
July 1	—	A, E, I
August 1	B, E, I	—
September 1	—	B, E, I
October 1	A, B, I	—
November 1	—	A, C, F, I
December 1	C, D, F, H, I	B, D, H, I

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997.

.3054 MULTI-COUNTY GROUPINGS

(a) Health Service Areas. The agency has assigned the counties of the state to the following health service areas for the purpose of scheduling applications for certificates of need:

HEALTH SERVICE AREAS (HSA)

I <u>County</u>	II <u>County</u>	III <u>County</u>	IV <u>County</u>	V <u>County</u>	VI <u>County</u>
Alexander	Alamance	Cabarrus	Chatham	Anson	Beaufort
Alleghany	Caswell	Gaston	Durham	Bladen	Bertie
Ashe	Davidson	Iredell	Franklin	Brunswick	Camden
Avery	Davie	Lincoln	Granville	Columbus	Carteret
Buncombe	Forsyth	Mecklenburg	Johnston	Cumberland	Chowan
Burke	Guilford	Rowan	Lee	Harnett	Craven
Caldwell	Randolph	Stanly	Orange	Hoke	Currituck
Catawba	Rockingham	Union	Person	Montgomery	Dare
Cherokee	Stokes		Vance	Moore	Duplin
Clay	Surry		Wake	New Hanover	Edgecombe
Cleveland	Yadkin		Warren	Pender	Gates
Graham				Richmond	Greene
Haywood				Robeson	Halifax

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I <u>County</u>	II <u>County</u>	III <u>County</u>	IV <u>County</u>	V <u>County</u>	VI <u>County</u>
Henderson				Sampson	Hertford
Jackson				Scotland	Hyde
McDowell					Jones
Macon					Lenoir
Madison					Martin
Mitchell					Nash
Polk					Northampton
Rutherford					Onslow
Swain					Pamlico
Transylvania					Pasquotank
Watauga					Perquimans
Wilkes					Pitt
Yancey					Tyrrell
					Washington
					Wayne
					Wilson

(b) Mental Health Planning Areas. The agency has assigned the counties of the state to the following Mental Health Planning Areas for purposes of the State Medical Facilities Plan:

MENTAL HEALTH PLANNING AREAS

Area Number	Constituent Counties
1	<u>Cherokee</u> , <u>Clay</u> , <u>Graham</u> , <u>Haywood</u> , <u>Jackson</u> , <u>Macon</u> , <u>Swain</u>
2	<u>Buncombe</u> , <u>Madison</u> , <u>Mitchell</u> , <u>Yancey</u>
3	<u>Alleghany</u> , <u>Ashe</u> , <u>Avery</u> , <u>Watauga</u> , <u>Wilkes</u>
4	<u>Henderson</u> , <u>Transylvania</u>
5	<u>Alexander</u> , <u>Burke</u> , <u>Caldwell</u> , <u>McDowell</u>
6	<u>Rutherford</u> , <u>Polk</u>
7	<u>Cleveland</u>
8	<u>Gaston</u> , <u>Lincoln</u>
9	<u>Catawba</u>
10	<u>Mecklenburg</u>

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<u>Area Number</u>	<u>Constituent Counties</u>
<u>11</u>	<u>Davie, Iredell, Rowan</u>
<u>12</u>	<u>Cabarrus, Stanly, Union</u>
<u>13</u>	<u>Surry, Yadkin</u>
<u>14</u>	<u>Forsyth, Stokes</u>
<u>15</u>	<u>Rockingham</u>
<u>16</u>	<u>Guilford</u>
<u>17</u>	<u>Alamance, Caswell</u>
<u>18</u>	<u>Orange, Person, Chatham</u>
<u>19</u>	<u>Durham</u>
<u>20</u>	<u>Vance, Granville, Franklin, Warren</u>
<u>21</u>	<u>Davidson</u>
<u>22</u>	<u>Anson, Hoke, Montgomery, Moore, Richmond</u>
<u>23</u>	<u>Bladen, Columbus, Robeson, Scotland</u>
<u>24</u>	<u>Cumberland</u>
<u>25</u>	<u>Lee, Harnett</u>
<u>26</u>	<u>Johnston</u>
<u>27</u>	<u>Wake</u>
<u>28</u>	<u>Randolph</u>
<u>29</u>	<u>Brunswick, New Hanover, Pender</u>
<u>30</u>	<u>Onslow</u>
<u>31</u>	<u>Wayne</u>
<u>32</u>	<u>Wilson, Greene</u>
<u>33</u>	<u>Edgecombe, Nash</u>
<u>34</u>	<u>Halifax</u>
<u>35</u>	<u>Carteret, Craven, Jones, Pamlico</u>
<u>36</u>	<u>Lenoir</u>
<u>37</u>	<u>Pitt</u>
<u>38</u>	<u>Bertie, Gates, Hertford, Northampton</u>
<u>39</u>	<u>Beaufort, Hyde, Martin, Tyrrell, Washington</u>
<u>40</u>	<u>Camden, Chowan, Currituck, Dare, Pasquotank, Perquimans</u>
<u>41</u>	<u>Duplin, Sampson</u>

(c) Mental Health Planning Regions. The agency has assigned the counties of the state to the following Mental Health

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Planning Regions for purposes of the State Medical Facilities Plan:

MENTAL HEALTH PLANNING REGIONS (Area Number and Constituent Counties)

<u>Western (W)</u>	
<u>1</u>	<u>Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain</u>
<u>2</u>	<u>Buncombe, Madison, Mitchell, Yancey</u>
<u>3</u>	<u>Alleghany, Ashe, Avery, Watauga, Wilkes</u>
<u>4</u>	<u>Henderson, Transylvania</u>
<u>5</u>	<u>Alexander, Burke, Caldwell, McDowell</u>
<u>6</u>	<u>Rutherford, Polk</u>
<u>7</u>	<u>Cleveland</u>
<u>8</u>	<u>Gaston, Lincoln</u>
<u>9</u>	<u>Catawba</u>
<u>10</u>	<u>Mecklenburg</u>
<u>11</u>	<u>Davie, Iredell, Rowan</u>
<u>12</u>	<u>Cabarrus, Stanly, Union</u>
<u>North Central (NC)</u>	
<u>13</u>	<u>Surry, Yadkin</u>
<u>14</u>	<u>Forsyth, Stokes</u>
<u>15</u>	<u>Rockingham</u>
<u>16</u>	<u>Guilford</u>
<u>17</u>	<u>Alamance, Caswell</u>
<u>18</u>	<u>Orange, Person, Chatham</u>
<u>19</u>	<u>Durham</u>
<u>20</u>	<u>Vance, Granville, Franklin, Warren</u>
<u>South Central (SC)</u>	
<u>21</u>	<u>Davidson</u>
<u>22</u>	<u>Anson, Hoke, Montgomery, Moore, Richmond</u>
<u>23</u>	<u>Bladen, Columbus, Robeson, Scotland</u>
<u>24</u>	<u>Cumberland</u>
<u>25</u>	<u>Lee, Harnett</u>
<u>26</u>	<u>Johnston</u>
<u>27</u>	<u>Wake</u>

28 Randolph

Eastern (E)

29 Brunswick, New Hanover, Pender

30 Onslow

31 Wayne

32 Wilson, Greene

33 Edgecombe, Nash

34 Halifax

35 Carteret, Craven, Jones, Pamlico

36 Lenoir

37 Pitt

38 Bertie, Gates, Hertford, Northampton

39 Beaufort, Hyde, Martin, Tyrrell, Washington

40 Camden, Chowan, Currituck, Dare, Pasquotank, Perquimans

41 Duplin, Sampson

*History Note: Authority G.S. 131E-176(25); 131E-177(l); 131E-183(1);
Temporary Adoption Eff. January 2, 1997.*

.3055 REALLOCATIONS AND ADJUSTMENTS

(a) REALLOCATIONS.

- (1) Reallocations shall be made only to the extent that the methodologies used in the State Medical Facilities Plan to make need determinations indicate that need exists after the inventories are revised and the need determinations are recalculated.
- (2) Beds or services which are reallocated once in accordance with this Rule shall not be reallocated again. Rather, the Medical Facilities Planning Section shall make any necessary changes in the next annual State Medical Facilities Plan.
- (3) Dialysis stations that are withdrawn, relinquished, not applied for or decertified shall not be reallocated. Instead, any necessary redetermination of need shall be made in the next scheduled publication of the Semiannual Dialysis Report.
- (4) Appeals of Certificate of Need Decisions on Applications. Need determinations of beds or services for which the CON Section decision has been appealed shall not be reallocated until the appeal is resolved.
 - (A) Appeals Resolved Prior to August 17: If an appeal is resolved in the calendar year prior to August 17, the beds or services shall not be reallocated by the CON Section; rather the Medical Facilities Planning Section shall make the necessary changes in the next annual State Medical Facilities Plan.
 - (B) Appeals Resolved on or After August 17: If the appeal is resolved on or after August 17 in the calendar year, the beds or services, except for dialysis stations, shall be made available for a review period to be determined by the CON Section, but beginning no earlier than 60 days from the date that the appeal is resolved. Notice shall be mailed by the Certificate of Need Section to all persons on the mailing list for the State Medical Facilities Plan, no less than 45 days prior to the due date for receipt of new applications.
- (5) Withdrawals and Relinquishments. Except for dialysis stations, a need determination for which a certificate of need is issued, but is subsequently withdrawn or relinquished, is available for a review period to be determined by the Certificate of Need Section, but beginning no earlier than 60 days from:
 - (A) the last date on which an appeal of the notice of intent to withdraw the certificate could be filed if no appeal is filed.
 - (B) the date on which an appeal of the withdrawal is finally resolved against the holder, or

(C) the date that the Certificate of Need Section receives from the holder of the certificate of need notice that the certificate has been voluntarily relinquished.

Notice of the scheduled review period for the reallocated services or beds shall be mailed by the Certificate of Need Section to all persons on the mailing list for the State Medical Facilities Plan, no less than 45 days prior to the due date for submittal of the new applications.

(6) Need Determinations for which No Applications are Received:

(A) Services or Beds with Scheduled Review in the Calendar Year on or Before September 1: The Certificate of Need Section shall not reallocate the services or beds in this category for which no applications were received, because the Medical Facilities Planning Section will have sufficient time to make any necessary changes in the determinations of need for these services or beds in the next annual State Medical Facilities Plan.

(B) Services or Beds with Scheduled Review in the Calendar Year After September 1: A need determination in this category for which no application has been received by the last due date for submittal of applications shall be available to be applied for in the second Category I review period in the next calendar year for the applicable HSA. Notice of the scheduled review period for the reallocated beds or services shall be mailed by the Certificate of Need Section to all persons on the mailing list for the State Medical Facilities Plan, no less than 45 days prior to the due date for submittal of new applications.

(7) Need Determinations not Awarded because Application Disapproved:

(A) Disapproval in the Calendar Year prior to August 17: Need determinations or portions of such need determinations for which applications were submitted but disapproved by the Certificate of Need Section before August 17, shall not be reallocated by the Certificate of Need Section. Instead the Medical Facilities Planning Section shall make the necessary changes in the next annual State Medical Facilities Plan, if no appeal is filed.

(B) Disapproval in the Calendar Year on or After August 17: Need determinations or portions of such need determinations for which applications were submitted but disapproved by the Certificate of Need Section on or after August 17, shall be reallocated by the Certificate of Need Section, except for dialysis stations. A need in this category shall be available for a review period to be determined by the Certificate of Need Section but beginning no earlier than 95 days from the date the application was disapproved, if no appeal is filed. Notice of the scheduled review period for the reallocation shall be mailed by the Certificate of Need Section to all persons on the mailing list for the State Medical Facilities Plan, no less than 80 days prior to the due date for submittal of the new applications.

(8) Reallocation of Decertified ICF/MR Beds. If an ICF/MR facility's Medicaid certification is relinquished or revoked, the ICF/MR beds in the facility shall be reallocated by the Department of Human Resources, Division of Facility Services, Medical Facilities Planning Section pursuant to the provisions of the following Sub-parts. The reallocated beds shall only be used to convert five-bed ICF/MR facilities into six-bed facilities.

(A) If the number of five-bed ICF/MR facilities in the mental health planning region in which the beds are located equals or exceeds the number of reallocated beds, the beds shall be reallocated solely within the planning region after considering the recommendation of the Regional Team of Developmental Disabilities Services Directors.

(B) If the number of five-bed ICF/MR facilities in the mental health planning region in which the beds are located is less than the number of reallocated beds, the Medical Facilities Planning Section shall reallocate the excess beds to other planning regions after considering the recommendation of the Developmental Disabilities Section in the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services. The Medical Facilities Planning Section shall then allocate the beds among the planning areas within those planning regions after considering the recommendation of the appropriate Regional Teams of Developmental Disabilities Services Directors.

(C) The Department of Human Resources, Division of Facility Services, Certificate of Need Section shall schedule reviews of applications for these beds pursuant to Subparagraph (a)(5) of this Rule.

(b) CHANGES IN NEED DETERMINATIONS.

(1) The need determinations in 10 NCAC 3R .3057 through .3079 shall be revised continuously throughout the calendar year to reflect all changes in the inventories of:

(A) the health services listed at G.S. 131E-176(16)f;
(B) health service facilities;
(C) health service facility beds;
(D) dialysis stations;
(E) the equipment listed at G.S. 131E-176(16)f1; and
(F) mobile medical equipment;

as those changes are reported to the Medical Facilities Planning Section. However, need determinations in 10 NCAC 3R .3057 through .3079 shall not be reduced if the relevant inventory is adjusted upward 30 days or less prior to the first day of the applicable review period.

(2) Inventories shall be updated to reflect:

- (A) decertification of home health agencies or offices, intermediate care facilities for the mentally retarded, and dialysis stations;
- (B) licensure of health service facilities and health service facility beds;
- (C) demolition, destruction, or decommissioning of equipment as listed at G.S. 131E-176(16)f1 and s;
- (D) elimination or reduction of a health service as listed at G.S. 131E-176(16)f;
- (E) psychiatric beds licensed pursuant to G.S. 131E-184(c);
- (F) certificates of need awarded, relinquished, or withdrawn, subsequent to the preparation of the inventories in the State Medical Facilities Plan; and
- (G) corrections of errors in the inventory as reported to the Medical Facilities Planning Section.

(3) Any person who is interested in applying for a new institutional health service for which a need determination is made in 10 NCAC 3R .3056 through .3079 may obtain information about updated inventories and need determinations from the Medical Facilities Planning Section.

(4) Need determinations resulting from changes in inventory shall be available for a review period to be determined by the Certificate of Need Section, but beginning no earlier than 60 days from the date of the action identified in Paragraph (b) of this Rule. Notice of the scheduled review period for the need determination shall be mailed by the Certificate of Need Section to all persons on the mailing list for the State Medical Facilities Plan, no less than 45 days prior to the due date for submittal of the new applications.

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997.*

.3056 DIALYSIS STATION NEED DETERMINATION

(a) The Medical Facilities Planning Section (MFPS) shall determine need for new dialysis stations two times each calendar year, and shall make a report of such determinations available to all who request it. This report shall be called the North Carolina Semiannual Dialysis Report (SDR). Data to be used for such determinations, and their sources, are as follows:

- (1) Numbers of dialysis patients, by type, county and facility, from the Southeastern Kidney Council, Inc. (SEKC) and the Mid-Atlantic Renal Coalition, Inc. as of December 31, 1996 for the March SDR and as of June 30, 1997 for the September SDR.
- (2) Certificate of need decisions, decisions appealed, appeals settled, and awards, from the Certificate of Need Section, DFS.
- (3) Facilities certified for participation in Medicare, from the Certification Section, DFS.
- (4) Need determinations for which certificate of need decisions have not been made, from MFPS records.

Need determinations in this report shall be an integral part of the State Medical Facilities Plan, as provided in G.S. 131E-183.

(b) Need for new dialysis stations shall be determined as follows:

(1) County Need

- (A) The average annual rate (%) of change in total number of dialysis patients resident in each county from the end of 1992 to the end of 1996 is multiplied by the county's 1996 year end total number of patients in the SDR, and the product is added to each county's most recent total number of patients reported in the SDR. The sum is the county's projected total 1997 patients.
- (B) The percent of each county's total patients who were home dialysis patients at the end of 1996 is multiplied by the county's projected total 1997 patients, and the product is subtracted from the county's projected total 1997 patients. The remainder is the county's projected 1997 in-center dialysis patients.
- (C) The projected number of each county's 1997 in-center patients is divided by 3.2. The quotient is the projection of the county's 1997 in-center dialysis stations.
- (D) From each county's projected number of 1997 in-center stations is subtracted the county's number of stations certified for Medicare, CON-approved and awaiting certification, awaiting resolution of CON appeals, and the number represented by need determinations in previous State Medical Facilities Plans or Semiannual Dialysis Reports for which CON decisions have not been made. The remainder is the county's 1997 projected surplus or deficit.
- (E) If a county's 1997 projected station deficit is 10 or greater and the SDR shows that utilization of each dialysis facility in the county is 80% or greater, the 1997 county station need determination is the same as the 1997 projected station deficit. If a county's 1997 projected station deficit is less than 10 or if the

utilization of any dialysis facility in the county is less than 80%, the county's 1997 station need determination is zero.

(2) **Facility Need**

A dialysis facility located in a county for which the result of the County Need methodology is zero in the reference Semiannual Dialysis Report (SDR) is determined to need additional stations to the extent that:

(A) Its utilization, reported in the current SDR, is 3.2 patients per station or greater.

(B) Such need, calculated as follows, is reported in an application for a certificate of need:

- (i) The facility's number of in-center dialysis patients reported in the previous SDR (SDR₁) is subtracted from the number of in-center dialysis patients reported in the current SDR (SDR₂). The difference is multiplied by 2 to project the net in-center change for one year. Divide the projected net in-center change for the year by the number of in-center patients from SDR₁ to determine the projected annual growth rate.
- (ii) The quotient from Subpart (b)(2)(B)(i) of this Rule is divided by 12.
- (iii) The quotient from Subpart (b)(2)(B)(ii) of this Rule is multiplied by the number of months from the most recent month reported in the current SDR until the end of calendar 1997.
- (iv) The product from Subpart (b)(2)(B)(iii) of this Rule is multiplied by the number of the facility's in-center patients reported in the current SDR and that product is added to such reported number of in-center patients.
- (v) The sum from Subpart (b)(2)(B)(iv) of this Rule is divided by 3.2, and from the quotient is subtracted the facility's current number of certified and pending stations as recorded in the current SDR. The remainder is the number of stations needed.

(C) The facility may apply to expand to meet the need established in Subpart (b)(2)(B)(v) of this Rule, up to a maximum of 10 stations.

(c) The schedule for publication of the North Carolina Semiannual Dialysis Report (SDR) and for receipt of certificate of need applications based on each issue of this report in 1997 shall be as follows:

<u>Data for</u>	<u>Receipt of</u>	<u>Publication</u>	<u>Receipt of</u>	<u>Beginning</u>
<u>Period Ending</u>	<u>SEKC Report</u>	<u>of SDR</u>	<u>CON Applications</u>	<u>Review Dates</u>
Dec. 31, 1996	Feb. 28, 1997	March 20, 1997	May 16, 1997	June 1, 1997
June 30, 1997	Aug. 29, 1997	Sept. 19, 1997	Nov. 14, 1997	Dec. 1, 1997

(d) An application for a certificate of need pursuant to this Rule shall be accepted only if it demonstrates a need by utilizing one of the methods of determining need outlined in this Rule.

(e) An application for a new End Stage Renal Disease facility shall not be approved unless it documents the need for at least 10 stations based on utilization of 3.2 patients per station per week.

(f) Home patients will not be included in determination of need for new stations.

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997.*

.3057 ACUTE CARE BED NEED DETERMINATION (REVIEW CATEGORY A)

It is determined that there is no need for additional acute care beds.

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997.*

.3058 REHABILITATION BED NEED DETERMINATION (REVIEW CATEGORY E)

It is determined that there is no need for additional rehabilitation beds.

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997.*

.3059 AMBULATORY SURGICAL FACILITIES NEED DETERMINATION (REVIEW CATEGORY E)

It is determined that there is no need for additional ambulatory surgical facilities, except that a Rural Primary Care

Hospital designated by the N.C. Office of Rural Health Services pursuant to Section 1820(f) of the Social Security Act may apply for a certificate of need to convert existing operating rooms for use as a freestanding ambulatory surgical facility.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997.

.3060 OPEN HEART SURGERY SERVICES NEED DETERMINATIONS (REVIEW CATEGORY H)

Because over 95% of all of the citizens of North Carolina live within 45 miles of one or more open heart surgery services; because the preponderance of clinical research on open heart surgery services indicates that there is a positive relationship between the number of procedures performed by a surgical operating team and the percent of good patient outcomes resulting from the surgery; and because the benefits of greater geographic access do not outweigh the adverse affects caused by the duplication of existing open heart surgery services and the resulting decrease in the number of procedures the surgical operating team of this service would perform, it is therefore determined that there is no need for additional open heart surgery services.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997.

.3061 HEART-LUNG BYPASS MACHINES NEED DETERMINATION FOR NEW OPEN HEART SURGERY SERVICES (REVIEW CATEGORY H)

It is determined that there is no need for the acquisition of heart-lung bypass machines by anyone who does not currently offer open heart surgery services.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997.

.3062 HEART-LUNG BYPASS MACHINES NEED DETERMINATION FOR EXISTING OPEN HEART SURGERY SERVICES (REVIEW CATEGORY H)

A health service facility that currently offers open heart surgery services may apply for a certificate of need to acquire an additional heart-lung bypass machine at its existing site or location if the existing heart-lung machines used by the health service facility were utilized at or above 80% of capacity during the 12-month period reflected in the most recent licensure application on file with the Division of Facility Services. The capacity of heart-lung bypass machines that were acquired pursuant to 1995 N.C. Session Laws, c. 507, s. 23.22, and of heart-lung bypass machines that were conditionally approved for use exclusively as back-up machines shall not be included in the calculation of the facility's utilization of its existing heart-lung machines.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997.

.3063 CARDIAC CATHETERIZATION EQUIPMENT NEED DETERMINATION FOR NEW PROVIDERS (REVIEW CATEGORY H)

It is determined that there is no need for the acquisition of cardiac catheterization equipment by anyone who does not currently offer cardiac catheterization services.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997.

.3064 CARDIAC CATHETERIZATION EQUIPMENT NEED DETERMINATION FOR EXISTING PROVIDERS (REVIEW CATEGORY H)

A health service facility that currently offers cardiac catheterization services may apply for a certificate of need to acquire additional cardiac catheterization equipment at its existing site or location if the existing cardiac catheterization equipment used by the health service facility was utilized at or above 80% of capacity during the 12-month period reflected in the most recent licensure application on file with the Division of Facility Services.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997.

.3065 CARDIAC ANGIOPLASTY EQUIPMENT NEED DETERMINATION FOR NEW PROVIDERS (REVIEW CATEGORY H)

It is determined that there is no need for the acquisition of cardiac angioplasty equipment by anyone who does not currently offer cardiac angioplasty services.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997.

.3066 CARDIAC ANGIOPLASTY EQUIPMENT NEED DETERMINATION FOR EXISTING PROVIDERS (REVIEW CATEGORY H)

A health service facility that currently offers cardiac angioplasty services may apply for a certificate of need to acquire additional cardiac angioplasty equipment at its existing site or location if the existing cardiac angioplasty equipment used by the health service facility was utilized at or above 80% of capacity during the 12-month period reflected in the most recent licensure application on file with the Division of Facility Services.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997.

.3067 BURN INTENSIVE CARE SERVICES NEED DETERMINATION (REVIEW CATEGORY H)

It is determined that there is no need for additional burn intensive care services.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997.

.3068 POSITRON EMISSION TOMOGRAPHY SCANNERS NEED DETERMINATION (REVIEW CATEGORY H)

It is determined that there is no need for additional positron emission tomography scanners for purposes other than research.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997.

.3069 BONE MARROW TRANSPLANTATION SERVICES NEED DETERMINATION (REVIEW CATEGORY H)

It is determined that allogeneic bone marrow transplantation services shall be developed and offered only by academic medical center teaching hospitals as designated in 10 NCAC 3R .3080(c). It is also determined that there is no need for additional allogeneic or autologous bone marrow transplantation services.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997.

.3070 SOLID ORGAN TRANSPLANTATION SERVICES NEED DETERMINATION (REVIEW CATEGORY H)

Solid Organ Transplantation Services shall be developed and offered only by academic medical center teaching hospitals as designated in 10 NCAC 3R .3080(c). It is determined that there is no need for new solid organ transplant services.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997.

.3071 GAMMA KNIFE NEED DETERMINATION (REVIEW CATEGORY H)

It is determined that there is no need for a gamma knife.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997.

.3072 NURSING CARE BED NEED DETERMINATION (REVIEW CATEGORY B)

It is determined that the counties listed in this Rule need additional Long-Term Nursing Facility Beds as specified. There

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is no need for additional Long-Term Nursing Facility Beds in other counties, except as otherwise provided in 10 NCAC 3R .3073.

County	Number of Nursing Beds Needed
<u>Alexander</u>	<u>40</u>
<u>Burke</u>	<u>90</u>
<u>Cherokee</u>	<u>30</u>
<u>Cleveland</u>	<u>60</u>
<u>Haywood</u>	<u>50</u>
<u>Jackson</u>	<u>40</u>
<u>Macon</u>	<u>50</u>
<u>Transylvania</u>	<u>30</u>
<u>Yancey</u>	<u>20</u>
<u>Davidson</u>	<u>100</u>
<u>Surry</u>	<u>70</u>
<u>Yadkin</u>	<u>40</u>
<u>Iredell</u>	<u>90</u>
<u>Lincoln</u>	<u>30</u>
<u>Union</u>	<u>90</u>
<u>Granville</u>	<u>20</u>
<u>Johnston</u>	<u>100</u>
<u>Lee</u>	<u>30</u>
<u>Wake</u>	<u>180</u>
<u>Brunswick</u>	<u>30</u>
<u>Cumberland</u>	<u>90</u>
<u>Harnett</u>	<u>50</u>
<u>Hoke</u>	<u>40</u>
<u>Moore</u>	<u>90</u>
<u>New Hanover</u>	<u>110</u>
<u>Currituck</u>	<u>20</u>
<u>Greene</u>	<u>30</u>
<u>Lenoir</u>	<u>40</u>
<u>Nash</u>	<u>60</u>

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997.

.3073 DEMONSTRATION PROJECT ON PEDIATRIC NURSING CARE NEED DETERMINATION (REVIEW CATEGORY G)

(a) It is determined that nine nursing facility beds are needed to demonstrate the efficacy of short-term (less than 30 days) care of medically fragile infants and children. This demonstration project shall provide services to support medically fragile children who are primarily cared for at home and shall provide data to assist in determining if these children can be successfully cared for at home over the long-term with intermittent inpatient nursing facility admission. Because of improved medical procedures and care, more infants with complex medical needs are surviving and are being discharged from hospitals. The medical equipment and care needed by these children in the home is quite sophisticated. Pediatric patients suffering from acquired brain injury or from major trauma with significant orthopaedic problems may also require continued services, which include intermittent inpatient nursing care services, after discharge from rehabilitation hospitals. The proposed project shall be designed to ease the transition from the hospital environment to care at home for these patient groups. It shall also offer respite care and other services to low birth-weight children, to children with serious chronic conditions, and to children with rehabilitation needs.

(b) An applicant for the project shall demonstrate that home health services shall be provided through a home health agency. Furthermore, an applicant shall demonstrate coordination with other health services, including a hospice provider, an acute care provider, and an inpatient rehabilitation provider. Project oversight shall include at least one Pediatrician who is willing to serve as medical advisor and willing to assist in evaluation of the demonstration project's effectiveness. The goal of the services provided shall be for long-term maintenance of the pediatric patient at home.

(c) The demonstration project shall provide data to evaluate the effectiveness of this type of program in at least these ways:

- (1) Enhanced parent confidence/willingness to care for the child at home;
- (2) Reduced length of stay for hospitalization episodes;
- (3) Reduced hospitalizations/rehospitalizations;
- (4) Reduced incidence of institutionalization of children to long-term care facilities;
- (5) Outcomes of care -- especially relative to rehabilitation, chronic disease care;
- (6) Cost data -- cost efficiencies, expense, reimbursement issues.

(d) The demonstration project shall provide data to evaluate if additional programs in North Carolina would benefit the medically fragile pediatric population. Data shall be provided to the NC State Health Coordinating Council at least annually, beginning in the second year of the project's operation. Annual data reporting is to continue, until directed otherwise by the State Health Coordinating Council, or until the demonstrated activity becomes incorporated as a regular part of the State Medical Facilities Plan.

Number of Nursing	
Geographic Area	Beds Needed for the Pediatric
Demonstration Project	
Statewide	9

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997.

.3074 HOME HEALTH AGENCY OFFICE NEED DETERMINATION (REVIEW CATEGORY F)

(a) It is determined that the Health Service Areas identified in 10 NCAC 3R .3054(a) and listed in this Rule may have a need for additional home health agency offices that is not revealed by the standard methodology as specified.

(b) Applications for certificates of need for home health agency offices filed pursuant to these adjusted need determinations shall demonstrate:

- (1) that the applicant proposes to address the needs of at least one of the following special needs groups:
 - (A) racial minorities,
 - (B) nursing home patients in transition to the community,
 - (C) HIV/AIDS patients,
 - (D) Alzheimer's Disease/senile dementia patients, or

(E) underserved patients in rural counties; and

(2) that the applicant proposes to serve, during its first operating year, at least 50 patients who are members of the special groups identified in Subparagraph (1), of this Rule; and

(3) that either:

(A) home health agencies currently serving the geographic area are not meeting the needs of the groups the applicant proposes to serve; or

(B) the proposed home health agency office will offer new or innovative services not currently being offered by home health agencies that serve the geographic area the applicant proposes to serve.

<u>HSA</u>	<u>Number of Agencies or Offices Needed</u>
I	1
II	1
III	1
IV	1
V	1
VI	1

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997.*

.3075 HOSPICE NEED DETERMINATION (REVIEW CATEGORY F)

It is determined that there is no need for additional Hospices.

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997.*

.3076 HOSPICE INPATIENT FACILITY BED NEED DETERMINATION (REVIEW CATEGORY F)

(a) Single Counties. Single counties with a projected deficit of six or more beds are allocated beds based on the projected deficit. It is determined that there is no need for additional single county hospice inpatient facility beds.

(b) Contiguous Counties. It is determined that any combination of two or more contiguous counties taken from the following list shall have a need for new hospice inpatient facility beds if the combined bed deficit for the grouping of contiguous counties totals six or more beds. Each county in a grouping of contiguous counties must have a deficit of at least one and no more than five beds. The need for the grouping of contiguous counties shall be the sum of the deficits in the individual counties. For purposes of this Rule, "contiguous counties" shall mean a grouping of North Carolina counties which includes the county in which the new hospice inpatient facility is proposed to be located and any one or more of the North Carolina counties which have a common border with that county, even if the borders only touch at one point. No county may be included in a grouping of contiguous counties unless it is listed in the following table:

<u>County</u>	<u>Hospice Inpatient Bed Deficit</u>
Alexander	1
Ashe	1
Haywood	1
Polk	1
Rutherford	3

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<u>County</u>	<u>Hospice Inpatient</u>
	<u>Bed Deficit</u>
<u>Transylvania</u>	1
<u>Watauga</u>	1
<u>Wilkes</u>	1
<u>Yancey</u>	1
<u>Alamance</u>	4
<u>Davidson</u>	2
<u>Rockingham</u>	2
<u>Stokes</u>	2
<u>Surry</u>	2
<u>Cabarrus</u>	2
<u>Gaston</u>	3
<u>Iredell</u>	1
<u>Lincoln</u>	1
<u>Rowan</u>	1
<u>Stanly</u>	1
<u>Union</u>	1
<u>Chatham</u>	1
<u>Durham</u>	4
<u>Johnston</u>	1
<u>Lee</u>	1
<u>Wake</u>	4
<u>Vance</u>	1
<u>Bladen</u>	1
<u>Brunswick</u>	1
<u>Columbus</u>	3
<u>Cumberland</u>	1
<u>Harnett</u>	1
<u>Moore</u>	2
<u>Pender</u>	1
<u>Richmond</u>	2
<u>Robeson</u>	1

<u>County</u>	<u>Hospice</u>	<u>Inpatient</u>
	<u>Bed</u>	<u>Deficit</u>
<u>Scotland</u>		<u>1</u>
<u>Bertie</u>		<u>1</u>
<u>Craven</u>		<u>1</u>
<u>Duplin</u>		<u>1</u>
<u>Edgecombe</u>		<u>1</u>
<u>Hertford</u>		<u>1</u>
<u>Nash</u>		<u>1</u>
<u>Northampton</u>		<u>1</u>
<u>Onslow</u>		<u>1</u>
<u>Pitt</u>		<u>1</u>
<u>Wilson</u>		<u>1</u>

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997.

.3077 PSYCHIATRIC BED NEED DETERMINATION (REVIEW CATEGORY C)

It is determined that there is no need for additional psychiatric beds.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997.

.3078 CHEMICAL DEPENDENCY TREATMENT BED (REVIEW CATEGORY C)

(a) It is determined that there is no need for any additional chemical dependency treatment beds other than detox-only beds for adults. The following table lists the mental health planning areas that need detox-only beds for adults and identifies the number of such beds needed in each planning area. There is no need for additional detox-only beds for adults in any other mental health planning areas. No other reviews for chemical dependency treatment beds are scheduled.

<u>Mental Health Planning Areas (Constituent Counties)</u>	<u>Mental Health Planning Regions</u>	<u>Number of Detox-Only Beds Needed</u>
1 (<u>Jackson, Haywood, Macon, Cherokee, Clay, Graham, Swain</u>)	<u>W</u>	<u>10</u>
4 (<u>Transylvania, Henderson</u>)	<u>W</u>	<u>10</u>
5 (<u>Caldwell, Burke, Alexander, McDowell</u>)	<u>W</u>	<u>10</u>
6 (<u>Rutherford, Polk</u>)	<u>W</u>	<u>10</u>
8 (<u>Gaston, Lincoln</u>)	<u>W</u>	<u>10</u>
11 (<u>Rowan, Iredell, Davie</u>)	<u>W</u>	<u>10</u>
13 (<u>Surry, Yadkin</u>)	<u>NC</u>	<u>2</u>
15 (<u>Rockingham</u>)	<u>NC</u>	<u>10</u>
17 (<u>Alamance, Caswell</u>)	<u>NC</u>	<u>6</u>

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<u>Mental Health Planning Areas (Constituent Counties)</u>	<u>Mental Health Planning Regions</u>	<u>Number of Detox-Only Beds Needed</u>
<u>18 (Orange, Person, Chatham)</u>	<u>NC</u>	<u>2</u>
<u>20 (Vance, Granville, Franklin, Warren)</u>	<u>NC</u>	<u>10</u>
<u>21 (Davidson)</u>	<u>SC</u>	<u>10</u>
<u>23 (Robeson, Bladen, Scotland, Columbus)</u>	<u>SC</u>	<u>5</u>
<u>26 (Johnston)</u>	<u>SC</u>	<u>7</u>
<u>27 (Wake)</u>	<u>SC</u>	<u>26</u>
<u>31 (Wayne)</u>	<u>E</u>	<u>4</u>
<u>32 (Wilson, Greene)</u>	<u>E</u>	<u>10</u>
<u>33 (Edgecombe, Nash)</u>	<u>E</u>	<u>6</u>
<u>34 (Halifax)</u>	<u>E</u>	<u>10</u>
<u>35 (Craven, Jones, Pamlico, Carteret)</u>	<u>E</u>	<u>10</u>
<u>36 (Lenoir)</u>	<u>E</u>	<u>10</u>
<u>38 (Hertford, Bertie, Gates, Northampton)</u>	<u>E</u>	<u>4</u>
<u>39 (Beaufort, Washington, Tyrrell, Hyde, Martin)</u>	<u>E</u>	<u>5</u>
<u>40 (Pasquotank, Chowan, Perquimans, Camden, Dare, Currituck)</u>	<u>E</u>	<u>10</u>
<u>41 (Duplin, Sampson)</u>	<u>E</u>	<u>10</u>

(b) "Detox-only beds for adults" are chemical dependency treatment beds that are occupied exclusively by persons who are 18 years of age or older who are experiencing physiological withdrawal from the effects of alcohol or other drugs.

(c) The county or counties which comprise each mental health planning area are listed in 10 NCAC 3R .3054(b).

(d) Detox-only beds for adults may be developed outside of the mental health planning area in which they are needed if:

- (1) The beds are developed in a contiguous mental health planning area that is within the same mental health planning region, as defined by 10 NCAC 3R .3054(c); and
- (2) The program board in the planning area in which the beds are needed and the program board in the planning area in which the beds are to be developed each adopt a resolution supporting the development of the beds in the contiguous planning area.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);

Temporary Adoption Eff. January 2, 1997.

.3079 INTERMEDIATE CARE BEDS FOR THE MENTALLY RETARDED (REVIEW CATEGORY C)

Intermediate Care Beds for the Mentally Retarded. It is determined that the mental health planning areas listed in the following table need additional Intermediate Care Beds for the Mentally Retarded ("ICF/MR beds"). The table identifies the number of new child and adult ICF/MR beds needed by each of the listed planning areas. These new ICF/MR beds shall only be used to convert existing five-bed ICF/MR beds into six-bed facilities. There is no need for new ICF/MR facilities or for any additional ICF/MR beds in any other mental health planning areas, except as provided in Rule 10 NCAC 3R .3055(a)(8).

<u>Mental Health Planning Area (Constituent Counties)</u>	<u>Need Determination</u>	
	<u>Child</u>	<u>Adult</u>
3 (<u>Alleghany, Ashe, Avery, Watauga, Wilkes</u>)	0	4
14 (<u>Forsyth, Stokes</u>)	0	2
16 (<u>Guilford</u>)	0	2
21 (<u>Davidson</u>)	0	1
18 (<u>Orange, Person, Chatham</u>)	0	3
30 (<u>Onslow</u>)	0	1
24 (<u>Cumberland</u>)	0	1
37 (<u>Pitt</u>)	0	1

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997.*

.3080 POLICIES FOR GENERAL ACUTE CARE HOSPITALS

(a) Use of Licensed Bed Capacity Data for Planning Purposes. For planning purposes the number of licensed beds shall be determined by the Division of Facility Services in accordance with standards found in 10 NCAC 3C .6200 and .3102(d).

(b) Utilization of Acute Care Hospital Bed Capacity. Conversion of underutilized hospital space to other needed purposes shall be considered an alternative to new construction. Hospitals falling below utilization targets in Paragraph (e) of this Rule are assumed to have underutilized space. Any such hospital proposing new construction must clearly demonstrate that it is more cost-effective than conversion of existing space.

(c) Exemption from Plan Provisions for Certain Academic Medical Center Teaching Hospital Projects. Projects for which certificates of need are sought by academic medical center teaching hospitals may qualify for exemption from provisions of 10 NCAC 3R .3056 through .3079.

- (1) The State Medical Facilities Planning Section shall designate as an Academic Medical Center Teaching Hospital any facility whose application for such designation demonstrates the following characteristics of the hospital:
 - (A) Serves as a primary teaching site for a school of medicine and at least one other health professional school, providing undergraduate, graduate and postgraduate education.
 - (B) Houses extensive basic medical science and clinical research programs, patients and equipment.
 - (C) Serves the treatment needs of patients from a broad geographic area through multiple medical specialties.
- (2) Exemption from the provisions of 10 NCAC 3R .3056 through .3079 shall be granted to projects submitted by Academic Medical Center Teaching Hospitals designated prior to January 1, 1990 which projects comply with one of the following conditions:
 - (A) Necessary to complement a specified and approved expansion of the number or types of students, residents or faculty, as certified by the head of the relevant associated professional school; or
 - (B) Necessary to accommodate patients, staff or equipment for a specified and approved expansion of research activities, as certified by the head of the entity sponsoring the research; or
 - (C) Necessary to accommodate changes in requirements of specialty education accrediting bodies, as evidenced by copies of documents issued by such bodies.

(d) Reconversion to Acute Care. Facilities redistributing beds from acute care bed capacity to rehabilitation or psychiatric use shall obtain a certificate of need to convert this capacity back to acute care. Application for reconversion of acute care beds converted to psychiatry or rehabilitation back to acute care beds shall be evaluated against the hospital's utilization in relation to the target occupancies for acute care beds shown in this Paragraph, without regard to the acute care bed need determinations shown in 10 NCAC 3R .3057.

<u>Licensed Bed Capacity</u>	<u>Percent Occupancy</u>
1 - 49	65%
50 - 99	70%

<u>100 - 199</u>	<u>75%</u>
<u>200 - 699</u>	<u>80%</u>
<u>700 +</u>	<u>81.5%</u>

(e) Replacement of Acute Care Bed Capacity. The evaluation of proposals for either partial or total replacement of acute care beds (i.e., construction of new space for existing acute care beds) shall be evaluated against the utilization of the total number of acute care beds in the applicant's hospital in relation to the target occupancy of the total number of beds in that hospital which is determined as follows:

Total Licensed Acute Care Beds	Target Occupancy (Percent)
<u>1 - 49</u>	<u>65%</u>
<u>50 - 99</u>	<u>70%</u>
<u>100 - 199</u>	<u>75%</u>
<u>200 - 699</u>	<u>80%</u>
<u>700 +</u>	<u>81.5%</u>

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);

Temporary Adoption Eff. January 2, 1997.

.3081 POLICIES FOR INPATIENT REHABILITATION SERVICES

(a) Distribution of Inpatient Rehabilitation Beds. After applying other required criteria, when superiority among two or more competing rehabilitation facility certificate of need applications is uncertain, favorable consideration shall be given to proposals that make rehabilitation services more accessible to patients and their families or are part of a comprehensive regional rehabilitation network.

(b) Outpatient and Home Care. Rehabilitation care which can be provided in an outpatient or home setting shall be provided in these settings unless it has been determined by an appropriate utilization program that inpatient care is necessary. All new inpatient rehabilitation programs are required to provide comprehensive outpatient rehabilitation services as part of their service delivery programs.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);

Temporary Adoption Eff. January 2, 1997.

.3082 POLICIES FOR AMBULATORY SURGICAL FACILITIES

Multi-Specialty Ambulatory Surgery. After applying other required criteria, when superiority among two or more competing ambulatory surgical facility certificate of need applications is uncertain, favorable consideration shall be given to "multi-specialty programs" over "specialty programs" in areas where need is demonstrated in 10 NCAC 3R .3059. A multi-specialty ambulatory surgical program means a program providing services in at least three of the following areas: gynecology, otolaryngology, plastic surgery, general surgery, ophthalmology, orthopedics, urology, and oral surgery. An ambulatory surgical facility shall provide at least two designated operating rooms with general anesthesia capabilities, and at least one designated recovery room.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);

Temporary Adoption Eff. January 2, 1997.

.3083 POLICIES FOR NURSING CARE FACILITIES

(a) Provision of Hospital-Based Long-Term Nursing Care.

(1) A certificate of need may be issued to a hospital which is licensed under G.S. 131E, Article 5, and which meets the conditions set forth in this Paragraph and in 10 NCAC 3R .1100, to convert up to 10 beds from its licensed acute care bed capacity for use as hospital-based long-term nursing care beds without regard to determinations of need in 10 NCAC 3R .3072 if the hospital:

(A) is located in a county which was designated as non-metropolitan by the U.S. Office of Management and Budget on January 1, 1997; and

(B) on January 1, 1997, had a licensed acute care bed capacity of 150 beds or less.

The certificate of need shall remain in force as long as the Department of Human Resources determines that the hospital is meeting the conditions outlined in this Paragraph.

(2) "Hospital-based long-term nursing care" is defined as long-term nursing care provided to a patient who has been directly discharged from an acute care bed and cannot be immediately placed in a licensed nursing facility because of the unavailability of a bed appropriate for the individual's needs. Determination of the patient's need for hospital-based long-term nursing care shall be made in accordance with criteria and procedures for determining

need for long-term nursing care administered by the Division of Medical Assistance and the Medicare program. Beds developed under this Paragraph are intended to provide placement for residents only when placement in other long-term care beds is unavailable in the geographic area. Hospitals which develop beds under this Paragraph shall discharge patients to other nursing facilities with available beds in the geographic area as soon as possible where appropriate and permissible under applicable law. Necessary documentation including copies of physician referral forms (FL 2) on all patients in hospital-based nursing units shall be made available for review upon request by duly authorized representatives of licensed nursing facilities.

(3) For purposes of this Paragraph, beds in hospital-based long-term nursing care shall be certified as a "distinct part" as defined by the Health Care Financing Administration. Beds in a "distinct part" shall be converted from the existing licensed bed capacity of the hospital and shall not be reconverted to any other category or type of bed without a certificate of need. An application for a certificate of need for reconverting beds to acute care shall be evaluated against the hospital's service needs utilizing target occupancies shown in 10 NCAC 3R .3080(d), without regard to the acute care bed need shown in 10 NCAC 3R .3057.

(4) A certificate of need issued for a hospital-based long-term nursing care unit shall remain in force as long as the following conditions are met:

(A) the beds shall be certified for participation in the Title XVIII (Medicare) and Title XIX (Medicaid) Programs;

(B) the hospital discharges residents to other nursing facilities in the geographic area with available beds when such discharge is appropriate and permissible under applicable law;

(C) patients admitted shall have been acutely ill inpatients of an acute hospital or its satellites immediately preceding placement in the unit. The granting of beds for hospital-based long-term nursing care shall not allow a hospital to convert additional beds without first obtaining a certificate of need. Where any hospital, or the parent corporation or entity of such hospital, any subsidiary corporation or entity of such hospital, or any corporation or entity related to or affiliated with such hospital by common ownership, control or management:

(i) applies for and receives a certificate of need for long-term care bed need determinations in 10 NCAC 3R .3072; or

(ii) currently has nursing home beds licensed as a part of the hospital under G.S. 131E, Article 5; or

(iii) currently operates long-term care beds under the Federal Swing Bed Program (P.L. 96-499), such hospital shall not be eligible to apply for a certificate of need for hospital-based long-term care nursing beds under this Rule. Hospitals designated by the State of North Carolina as Rural Primary Care Hospitals pursuant to Section 1820(f) of the Social Security Act, as amended, which have not been allocated long-term care beds under provisions of G.S. 131E-175 through 131E-190, may apply to develop beds under this Paragraph. However, such hospitals shall not develop long-term care beds both to meet needs determined in 10 NCAC 3R .3072 and this Paragraph.

(5) Beds certified as a "distinct part" under this Paragraph shall be counted in the inventory of existing long-term care beds and used in the calculation of unmet long-term care bed need for the general population of a planning area. Applications for certificates of need pursuant to this Paragraph shall be accepted only for the February 1 review cycle. Beds awarded under this Paragraph shall be deducted from need determinations for the county as shown in 10 NCAC 3R .3072. Continuation of this policy shall be reviewed and approved by the Department of Human Resources annually. Certificates of need issued under policies analogous to this policy in State Medical Facilities Plans subsequent to the 1986 State Medical Facilities Plan are automatically amended to conform with the provisions of this Paragraph. The Department of Human Resources shall monitor this program and ensure that patients affected by this Paragraph are receiving appropriate services, and that conditions under which the certificate of need was granted are being met.

(b) Plan Exemption for Continuing Care Facilities.

(1) Qualified continuing care facilities may include from the outset, or add or convert bed capacity for long-term nursing care without regard to the bed need shown in 10 NCAC 3R .3072. To qualify for such exemption, applications for certificates of need shall show that the proposed long-term nursing bed capacity:

(A) Will only be developed concurrently with, or subsequent to construction on the same site, of facilities for both of the following levels of care:

(i) independent living accommodations (apartments and homes) for persons who are able to carry out normal activities of daily living without assistance; such accommodations may be in the form of apartments, flats, houses, cottages, and rooms within a suitable structure;

(ii) domiciliary care (adult care) beds for use by persons who, because of age or disability require some personal services, incidental medical services, and room and board to assure their safety and comfort.

(B) Will be used exclusively to meet the needs of persons with whom the facility has continuing care contracts

(in compliance with the Department of Insurance statutes and rules) who have lived in a non-nursing unit of the continuing care facility for a period of at least 30 days. Exceptions shall be allowed when one spouse or sibling is admitted to the nursing unit at the time the other spouse or sibling moves into a non-nursing unit, or when the medical condition requiring nursing care was not known to exist or be imminent when the individual became a party to the continuing care contract. Financial consideration paid by persons purchasing a continuing care contract shall be equitable between persons entering at the "independent living" and "domiciliary" levels of care.

(C) Reflects the number of beds required to meet the current or projected needs of residents with whom the facility has an agreement to provide continuing care, after making use of all feasible alternatives to institutional nursing care.

(D) Will not be certified for participation in the Medicaid program.

(2) One half of the long-term nursing beds developed under this exemption shall be excluded from the inventory used to project bed need for the general population. Certificates of need issued under policies analogous to this policy in State Medical Facilities Plans subsequent to the 1985 SMFP are automatically amended to conform with the provisions of this Paragraph. Certificates of need awarded pursuant to the provisions of Chapter 920, Session Laws 1983, or Chapter 445, Session Laws 1985 shall not be amended.

(c) Determination of Need for Additional Nursing Beds in Single Provider Counties. When a long-term care facility with fewer than 80 nursing care beds is the only nursing care facility within a county, it may apply for a certificate of need for additional nursing beds in order to bring the minimum number of beds available within the county to no more than 80 nursing beds without regard to the nursing bed need determination for that county as listed in 10 NCAC 3R .3072.

(d) Relocation of Certain Nursing Facility Beds.

(1) A certificate of need to relocate existing licensed nursing facility beds to another county(ies) may be issued to a facility licensed as a nursing facility under G.S. 131E, Article 6, Part A, provided that the conditions set forth in this Paragraph and in 10 NCAC 3R .1100 and the review criteria in G.S. 131E-183(a) are met. A facility applying for a certificate of need to relocate nursing facility beds shall demonstrate that:

(A) it is a non-profit nursing facility supported by and directly affiliated with a particular religion and that it is the only nursing facility in North Carolina supported by and affiliated with that religion;

(B) the primary purpose for the nursing facility's existence is to provide long-term care to followers of the specified religion in an environment which emphasizes religious customs, ceremonies, and practices;

(C) relocation of the nursing facility beds to one or more sites is necessary to more effectively provide long-term nursing care to followers of the specified religion in an environment which emphasizes religious customs, ceremonies, and practices;

(D) the nursing facility is expected to serve followers of the specified religion from a multi-county area; and

(E) the needs of the population presently served shall be met adequately pursuant to G.S. 131E-183.

(2) Exemption from the provisions of 10 NCAC 3R .3072 shall be granted to a nursing facility for purposes of relocating existing licensed nursing beds to another county provided that it complies with all of the criteria listed in Subparagraph (d)(1) of this Rule.

(3) Any certificate of need issued under this Rule shall be subject to the following conditions:

(A) the nursing facility shall relocate beds in at least two stages over a period of at least six months; and

(B) the nursing facility shall provide a letter to the Medical Facilities Licensure Section, on or before the date that the first group of beds are relocated, irrevocably committing the facility to relocate all of the nursing facility beds for which it has a certificate of need to relocate; and

(C) subsequent to providing the letter to the Medical Facilities Licensure Section described in Subpart (d)(3)(B) of this Rule, the nursing facility shall accept no new patients in the beds which are being relocated, except new patients who, prior to admission, indicate their desire to transfer to the facility's new location(s).

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997.

.3084 POLICIES FOR HOME HEALTH SERVICES

(a) Development of Home Health Services. After applying other required criteria, when superiority among two or more competing home health agency or office certificate of need applications is uncertain, favorable consideration shall be given to proposals which:

(1) provide an expanded scope of services (including nursing, physical therapy, speech therapy, and home health aide service);

(2) provide the widest range of treatments within a given service; and

(3) have the ability to offer services on a seven days per week basis as required to meet patient needs.

(b) Need Determination Upon Termination of County's Sole Home Health Agency. When a home health agency's board of directors, or in the case of a public agency, the responsible public body, votes to discontinue the agency's provision of home health services; and

(1) the agency is the only home health agency with an office physically located in the county; and
(2) the agency is not being lawfully transferred to another entity;
need for a new home health agency or office in the county is thereby established through this Rule. Following receipt of written notice of such decision from the home health agency's chief administrative officer, the Certificate of Need Section shall give public notice of the need for one home health agency or office in the county, and the dates of the review of applications to meet the need. Such notice shall be given no less than 45 days prior to the final date for receipt of applications in a newspaper serving the county and to home health agencies located outside the county reporting serving county patients in the most recent licensure applications on file.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997.

.3085 POLICIES FOR END-STAGE RENAL DISEASE DIALYSIS SERVICES

(a) Availability of Dialysis Care. After applying other required criteria, when superiority among two or more competing dialysis facility or station certificate of need applications is uncertain, favorable consideration shall be given to applicants proposing to provide or arrange for:

- (1) home training and backup for patients suitable for home dialysis in the ESRD dialysis facility or in a facility that is a reasonable distance from the patient's residence;
- (2) ESRD dialysis service availability at times that do not interfere with ESRD patients' work schedules;
- (3) services in rural, remote areas.

(b) Relocation of Dialysis Stations. Relocations of existing dialysis stations are allowed only within the host county and to contiguous counties currently served by the facility. Certificate of need applicants proposing to relocate dialysis stations shall:

- (1) demonstrate that the proposal shall not result in a deficit in the number of dialysis stations in the county that would be losing stations as a result of the proposed project, as reflected in the most recent Semiannual Dialysis Report, and
- (2) demonstrate that the proposal shall not result in a surplus of dialysis stations in the county that would gain stations as a result of the proposed project, as reflected in the most recent Semiannual Dialysis Report.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997.

.3086 POLICIES FOR PSYCHIATRIC INPATIENT FACILITIES

(a) Transfer of Beds from State Psychiatric Hospitals to Community Facilities. Beds in the State psychiatric hospitals used to serve short-term psychiatric patients may be relocated to community facilities. However, before beds are transferred out of the State psychiatric hospitals, appropriate services and programs shall be available in the community. State hospital beds which are relocated to community facilities shall be closed within 90 days following the date the transferred beds become operational in the community. Facilities proposing to operate transferred beds shall commit to serve the type of short-term patients normally placed at the State psychiatric hospitals. To help ensure that relocated beds will serve those persons who would have been served by the State psychiatric hospitals, a proposal to transfer beds from a State hospital shall include a written memorandum of agreement between the area MH/DD/SAS program serving the county where the beds are to be located, the Secretary of Human Resources, and the person submitting the proposal.

(b) Allocation of Psychiatric Beds. A hospital submitting a Certificate of Need application to add inpatient psychiatric beds shall convert excess licensed acute care beds to psychiatric beds. In determining excess licensed acute care beds, the hospital shall subtract the average occupancy rate for its licensed acute care beds over the previous 12-month period from the appropriate target occupancy rate for acute care beds listed in 10 NCAC 3R .3080(d) and multiply the difference by the number of its existing licensed acute care beds.

(c) Linkages Between Treatment Settings. An applicant applying for a certificate of need for psychiatric inpatient facility beds shall document that the affected area mental health, developmental disabilities and substance abuse authorities have been contacted and invited to comment on the proposed services.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997.

.3087 POLICIES FOR CHEMICAL DEPENDENCY TREATMENT FACILITIES

Linkages Between Treatment Settings. An applicant applying for a certificate of need for chemical dependency treatment facility beds shall document that the affected area mental health, developmental disabilities and substance abuse authorities have been contacted and invited to comment on the proposed services.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);

Temporary Adoption Eff. January 2, 1997.

.3088 POLICIES FOR INTERMEDIATE CARE FACILITIES FOR MENTALLY RETARDED

(a) Determination of Intermediate Care Bed Need for Mentally Retarded/Developmentally Disabled Persons. After applying other required criteria, when superiority among two or more competing ICF/MR certificate of need applications is uncertain, favorable consideration shall be given to counties that do not have ICF/MR group homes when such counties are part of a multi-county area for which a need is shown in 10 NCAC 3R .3079.

(b) Linkages Between Treatment Settings. An applicant applying for a certificate of need for intermediate care facility beds for mentally retarded shall document that the affected area mental health, developmental disabilities and substance abuse authorities have been contacted and invited to comment on the proposed services.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);

Temporary Adoption Eff. January 2, 1997.

This Section includes the Register Notice citation to a Rule approved by the Rules Review Commission (RRC) at its meeting of December 19, 1996 pursuant to G.S. 150B-21.17(a)(1) and reported to the Joint Legislative Administrative Procedure Oversight Committee pursuant to G.S. 150B-21.16. The full text of rules are published below when the rules have been approved by RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register. The rules published in full text are identified by an * in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.

These rules unless otherwise noted, will become effective on the 31st legislative day of the 1997 Regular Session of the General Assembly or a later date if specified by the agency unless a bill is introduced before the 31st legislative day that specifically disapproves the rule. If a bill to disapprove a rule is not ratified, the rule will become effective either on the day the bill receives an unfavorable final action or the day the General Assembly adjourns. Statutory reference: G.S. 150B-21.3.

APPROVED RULE CITATION

**REGISTER CITATION TO THE
NOTICE OF TEXT**

15A NCAC 02B .0237*

11:09 NCR 572

NORTH CAROLINA ADMINISTRATIVE CODE

**TITLE 15A
DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES**

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 2B - SURFACE WATER AND WETLAND STANDARDS

**SECTION .0200 - CLASSIFICATIONS AND WATER QUALITY STANDARDS APPLICABLE TO
SURFACE WATERS AND WETLANDS OF NORTH CAROLINA**

.0237 BEST MANAGEMENT PRACTICE COST-EFFECTIVENESS RATE

The Best Management Practice cost-effectiveness rate (BMP) represents the cost to achieve a reduction of one kilogram of total nitrogen through the use of BMP's. This rate shall be used for determining cost of nutrient controls and shall be twenty-nine dollars per kilogram (\$29/kg).

*History Note: Authority G.S. 143-214.1;
Eff. April 1, 1997.*

RULES REVIEW COMMISSION

This Section contains the agenda for the next meeting of the Rules Review Commission on Thursday, February 20, 1997, 10:00 a.m., at 1307 Glenwood Ave., Assembly Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners by Monday, February 17, 1997, at 5:00 p.m. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-733-2721. Anyone wishing to address the Commission should notify the RRC staff and the agency at least 24 hours prior to the meeting.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate

Philip O. Redwine - Chairman
Vernice B. Howard
Teresa L. Smallwood
Charles H. Henry

Appointed by House

Bill Graham - Vice Chairman
James Mallory, III
Paul Powell
Anita White

RULES REVIEW COMMISSION MEETING DATES

February 20, 1997
March 20, 1997
April 17, 1997

May 15, 1997
June 19, 1997
July 17, 1997

MEETING DATE: FEBRUARY 20, 1997

LOG OF FILINGS

RULES SUBMITTED: DECEMBER 20, 1996 THROUGH JANUARY 20, 1997

AGENCY/DIVISION	RULE NAME	RULE	ACTION
TRANSPORTATION/DIVISION OF MOTOR VEHICLES			
	Definitions	19A NCAC 3J .0102	Amend
	Course of Instruction	19A NCAC 3J .0306	Amend
	Student Requirements	19A NCAC 3J .0307	Amend
	Reports to be Submitted	19A NCAC 3J .0308	Amend
	Requirements	19A NCAC 3J .0601	Amend

RULES REVIEW OBJECTIONS

ACUPUNCTURE LICENSING BOARD

21 NCAC 1 .0706 - Continuances	<i>RRRC Objection</i>	01/16/97
21 NCAC 1 .0707 - Disqualification for Personal Bias	<i>RRRC Objection</i>	01/16/97

COMMUNITY COLLEGES

23 NCAC 2C .0304 - Student Loan Funds for Vocational and Technical Education	<i>RRRC Objection</i>	01/16/97
23 NCAC 2E .0203 - Standards for Technical-Vocational Curriculums	<i>RRRC Objection</i>	01/16/97

ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Coastal Management

15A NCAC 7H .0104 - Development Initiated Prior to Eff. Date of Revisions Agency Revised Rule	<i>RRRC Objection</i> <i>Obj. Removed</i>	11/21/96 12/19/96
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RULES REVIEW COMMISSION

<i>15A NCAC 7H .0304 - AECs Within Ocean Hazard Areas</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>
<i>15A NCAC 7H .0305 - General Identification and Description of Landforms</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>
<i>15A NCAC 7M .0403 - Policy Statements</i>	<i>RRC Objection</i>	<i>01/16/97</i>
Environmental Management		
<i>15A NCAC 2B .0229 - Tar Pamlico River Basin-Nutrient Sensitive Waters Mgmt Strategy</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>
Commission for Health Services		
<i>15A NCAC 18A .0134 - Definitions</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>15A NCAC 18A .0168 - Single-Service Containers</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>15A NCAC 18A .0176 - Pasteurization of Crustacea Meat</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>15A NCAC 18A .0182 - Bacteriological and Contamination Standards</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>15A NCAC 18A .0183 - Alternative Labeling</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>15A NCAC 18A .0185 - Thermal Processing of Crustacea and Crustacea Meat</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>15A NCAC 18A .0187 - Interfacility Thermal Processing Procedures</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>15A NCAC 18A .0301 - Definitions</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>15A NCAC 18A .0421 - Daily Record</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>15A NCAC 18A .0614 - Containers</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>15A NCAC 18A .0618 - Heat Shock Method of Preparation of Shellfish</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>15A NCAC 18A .0621 - Recall Procedure</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>15A NCAC 18A .0901 - Definitions</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>15A NCAC 18A .1301 - Definitions</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>15A NCAC 18A .1319 - Bedroom and Lobby Furnishings</i>	<i>RRC Objection</i>	<i>12/19/96</i>
Parks and Recreation Area Rules		
<i>15A NCAC 12B .1206 - Fees and Charges</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>
HUMAN RESOURCES		
Facility Services		
<i>10 NCAC 3R .3030 - Facility and Service Need Determinations</i>	<i>RRC Objection</i>	<i>10/17/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Cont'd</i>	<i>11/21/96</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>12/19/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Cont'd</i>	<i>01/16/97</i>
<i>10 NCAC 3R .3033 - Open Heart Surgery Services Need Determinations (Rev. Cat. H)</i>	<i>RRC Objection</i>	<i>01/16/97</i>
<i>10 NCAC 3R .3034 - Heart-Lung Bypass Mch. Need Det./New Open Heart Sgy. Svcs.</i>	<i>RRC Objection</i>	<i>01/16/97</i>
<i>10 NCAC 3R .3035 - Heart-Lung Bypass Mch. Need Det./Existing Open Heart Sgy. Svcs.</i>	<i>RRC Objection</i>	<i>01/16/97</i>
<i>10 NCAC 3R .3036 - Cardiac Catheterization Eqpt Need Det./New Providers</i>	<i>RRC Objection</i>	<i>01/16/97</i>
<i>10 NCAC 3R .3037 - Cardiac Catheterization Eqpt Need Det./Existing Providers</i>	<i>RRC Objection</i>	<i>01/16/97</i>
<i>10 NCAC 3R .3038 - Cardiac Angioplasty Eqpt Need Det./New Providers</i>	<i>RRC Objection</i>	<i>01/16/97</i>
<i>10 NCAC 3R .3039 - Cardiac Angioplasty Eqpt Need Det./Existing Providers</i>	<i>RRC Objection</i>	<i>01/16/97</i>
Mental Health: Other Programs		
<i>10 NCAC 18W .0201 - Scope</i>	<i>RRC Objection</i>	<i>01/16/97</i>
<i>10 NCAC 18W .0203 - General Provisions</i>	<i>RRC Objection</i>	<i>01/16/97</i>
<i>10 NCAC 18W .0205 - Emotional, Mental or Neurological Handicap Defined</i>	<i>RRC Objection</i>	<i>01/16/97</i>
<i>10 NCAC 18W .0211 - Needs Assessment</i>	<i>RRC Objection</i>	<i>01/16/97</i>
<i>10 NCAC 18W .0214 - Area Program Requirements</i>	<i>RRC Objection</i>	<i>01/16/97</i>
<i>10 NCAC 18W .0215 - Division Requirements</i>	<i>RRC Objection</i>	<i>01/16/97</i>
<i>10 NCAC 18W .0218 - Contested Case Hearings</i>	<i>RRC Objection</i>	<i>01/16/97</i>
Social Services Commission		
<i>10 NCAC 41P .0002 - Organization and Administration (Renumbered as .0102)</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>

RULES REVIEW COMMISSION

<i>10 NCAC 41P .0005 - Placement Services to Families/Children (Renumbered as .0105)</i>	<i>Agency Revised Rule</i>	<i>RRRC Objection</i>	<i>11/21/96</i>
<i>10 NCAC 41P .0013 - Fees (Renumbered as .0113)</i>	<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>
<i>10 NCAC 42A .0703 - Designated Agencies</i>	<i>Agency Revised Rule</i>	<i>RRRC Objection</i>	<i>11/21/96</i>
<i>10 NCAC 42C .2011 - Staff Competency and Training</i>	<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>
<i>10 NCAC 42C .2012 - Training Program Content and Approval</i>	<i>Agency Revised Rule</i>	<i>RRRC Objection</i>	<i>11/21/96</i>
<i>10 NCAC 42D .1410 - Staff Competency and Training</i>	<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>
<i>10 NCAC 42D .1411 - Training Program Content and Approval</i>	<i>Agency Revised Rule</i>	<i>RRRC Objection</i>	<i>11/21/96</i>
		<i>Obj. Removed</i>	<i>12/19/96</i>

PUBLIC INSTRUCTION

<i>16 NCAC 7 .0101 - Definitions</i>	<i>Agency Revised Rule</i>	<i>RRRC Objection</i>	<i>11/21/96</i>
<i>16 NCAC 7 .0102 - General Information</i>	<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>
<i>16 NCAC 7 .0103 - Exemptions from Certification Requirements of the Standards Board</i>	<i>Agency Revised Rule</i>	<i>RRRC Objection</i>	<i>11/21/96</i>
		<i>Obj. Removed</i>	<i>12/19/96</i>

REAL ESTATE COMMISSION

<i>21 NCAC 58A .0302 - Filing and Fees</i>	<i>RRRC Objection</i>	<i>12/19/96</i>
<i>21 NCAC 58A .1501 - Licensing and General Brokerage Forms</i>	<i>RRRC Objection</i>	<i>12/19/96</i>
<i>21 NCAC 58A .1502 - Forms for Education Program</i>	<i>RRRC Objection</i>	<i>12/19/96</i>

BOARD OF REFRIGERATION EXAMINERS

<i>21 NCAC 60 .0314 - Use of License</i>	<i>Agency Revised Rule</i>	<i>RRRC Objection</i>	<i>11/21/96</i>
		<i>Obj. Removed</i>	<i>12/19/96</i>

REVENUE

<i>17 NCAC 5C .0102 - Doing Business Defined</i>	<i>No Response from Agency</i>	<i>RRRC Objection</i>	<i>11/21/96</i>
		<i>Obj. Cont'd</i>	<i>12/19/96</i>

TRANSPORTATION

Division of Motor Vehicles

<i>19A NCAC 3E .0403 - License Period for Trailer Plate</i>		<i>RRRC Objection</i>	<i>12/19/96</i>
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This Section contains the full text of some of the more significant Administrative Law Judge decisions along with an index to all recent contested cases decisions which are filed under North Carolina's Administrative Procedure Act. Copies of the decisions listed in the index and not published are available upon request for a minimal charge by contacting the Office of Administrative Hearings, (919) 733-2698.

OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge
JULIAN MANN, III

Senior Administrative Law Judge
FRED G. MORRISON JR.

ADMINISTRATIVE LAW JUDGES

Brenda B. Becton
Sammie Chess Jr.
Beecher R. Gray
Meg Scott Phipps

Robert Roosevelt Reilly Jr.
Dolores O. Smith
Thomas R. West

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
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ADMINISTRATION

Douglas J. Register v. Department of Administration	96 DOA 0172	Reilly	08/16/96
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Purchase and Contract

Budd Seed, Inc. v. Department of Administration	96 DOA 0281	Chess	09/19/96
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ALCOHOLIC BEVERAGE CONTROL COMMISSION

Osama Arafat Sadar v. Alcoholic Beverage Control Commission	95 ABC 0721	Gray	07/09/96
Alcoholic Beverage Control Commission v. James Eads Sprawles	95 ABC 0883*	Gray	07/10/96
Cole Entertainment, Inc. v. Alcoholic Beverage Control Commission	95 ABC 0917	West	08/21/96
Fuad Saif Mursheed v. Alc. Bev. Ctl. Comm. & Durham Mem. Bapt. Ch.	95 ABC 0922	Chess	04/24/96
Alcoholic Beverage Control Commission v. Tremik, Inc.	95 ABC 0925	Morrison	03/25/96
City of Raleigh v. Alcoholic Beverage Control Commission and Marshall Stewart, III, Robert David Park, and Park Stewart Inc.	95 ABC 1143	Morrison	11/08/96
Alcoholic Beverage Control Commission v. Maria Virginia Tramontano	95 ABC 1200	West	04/23/96
Alcoholic Beverage Control Commission v. Huffman Oil Co., Inc.	95 ABC 1251	West	04/03/96
Pinakin P. Talate v. Alcoholic Beverage Control Commission	95 ABC 1329	West	04/10/96
Alcoholic Beverage Control Commission v. Entrepreneur, Inc.	95 ABC 1363	Reilly	05/02/96
Alcoholic Beverage Control Commission v. Zell, Inc.	95 ABC 1366	West	06/17/96
Alcoholic Beverage Control Commission v. Henry Franklin Gurganus	95 ABC 1389	West	04/01/96
Andrew Parker v. Alcoholic Beverage Control Commission	95 ABC 1402	Phipps	03/27/96
Barraq Sabri Alquza v. Alcoholic Beverage Control Commission	95 ABC 1424	Phipps	04/03/96
Alcoholic Beverage Control Comm. v. Partnership T/A T & L Groceries	95 ABC 1443	West	03/26/96
Alcoholic Beverage Control Commission v. Cashion's Food Mart, Inc.	95 ABC 1444	Gray	03/13/96
Alcoholic Beverage Control Commission v. E.K.'s II, Inc. Carl E. Collins	95 ABC 1458	Chess	08/12/96
Bro Bee, Inc. v. Alcoholic Beverage Control Commission	95 ABC 1480	West	04/15/96
Alcoholic Beverage Control Commission v. Donald Ray Doak	95 ABC 1488	West	03/29/96
Alcoholic Beverage Control Commission v. Janice Lorraine Jeter	96 ABC 0013	Reilly	04/26/96
Alcoholic Beverage Control Commission v. Well Informed, Inc.	96 ABC 0016	Chess	05/28/96
Alcoholic Beverage Control Commission v. Kubbard, Inc.	96 ABC 0017	Reilly	05/20/96
Alcoholic Beverage Control Commission v. Stemmermans's, Inc.	96 ABC 0018	Chess	05/28/96

CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
George Wright and Alice Ramsuer v. Alcoholic Beverage Control Comm.	96 ABC 0058	Becton	04/16/96	
Alcoholic Beverage Control Commission v. Bayron Green	96 ABC 0097	Becton	08/23/96	
Alcoholic Beverage Control Commission v. Circle K Stores, Inc.	96 ABC 0134	Gray	11/06/96	
Alcoholic Beverage Control Commission v. Robert Montgomery McKnight	96 ABC 0135	Phipps	05/09/96	
Alcoholic Beverage Control Commission v. Cadillacs Discotheque, Inc.	96 ABC 0136	Phipps	12/04/96	
Gerald Audry Sellars v. Alcoholic Beverage Control Commission	96 ABC 0160	Becton	06/25/96	11:08 NCR 564
Alcoholic Beverage Control Commission v. Jacqueline Robia Anthoay	96 ABC 0184	Phipps	05/09/96	
Alcoholic Beverage Control Commission v. Factory Night Club, Inc.	96 ABC 0226	Phipps	08/02/96	
Alcoholic Beverage Control Commission v. C.N.H. Enterprises, Inc.	96 ABC 0232	Becton	07/09/96	
Alcoholic Beverage Control Commission v. Millicent J. Green	96 ABC 0234	Smith	06/13/96	
Ghassan Hasan Issa v. Alcoholic Beverage Control Commission	96 ABC 0256	Morrison	05/23/96	
Alcoholic Beverage Control Commission v. Abdelhakeem Muraweh Saleh	96 ABC 0381	Chess	08/27/96	
Alcoholic Beverage Control Commission v. Triangle Drive-In	96 ABC 0443	Reilly	06/11/96	
Alcoholic Beverage Control Commission v. Beroth Oil Company	96 ABC 0447	Morrison	08/30/96	11:13 NCR 1085
Alcoholic Beverage Control Commission v. Beroth Oil Company	96 ABC 0448	Morrison	08/30/96	
Alcoholic Beverage Control Commission v. Beroth Oil Company	96 ABC 0449	Morrison	08/30/96	
Alcoholic Beverage Control Commission v. Beroth Oil Company	96 ABC 0450	Morrison	08/30/96	
Alcoholic Beverage Control Commission v. Giles Rozier	96 ABC 0473	Morrison	09/19/96	
Alcoholic Beverage Control Commission v. Clifton Franklin Smith	96 ABC 0474	Reilly	08/12/96	
Alcoholic Beverage Control Comm. v. Crown Central Petroleum Corp.	96 ABC 0482	Morrison	10/18/96	
Dithra Smith Patton v. Alcoholic Beverage Control Commission	96 ABC 0505	Morrison	08/06/96	
Virginia Caporal v. Alcoholic Beverage Control Commission	96 ABC 0507	Becton	10/04/96	
Alcoholic Beverage Control Commission v. James Eads Sprowles	96 ABC 0526*	Gray	07/10/96	
Alcoholic Beverage Control Commission v. Chae Ypo Chong	96 ABC 0530	Morrison	10/29/96	
Alcoholic Beverage Control Commission v. Albert S. Carter	96 ABC 0534	Morrison	08/05/96	
Alcoholic Beverage Control Commission v. Taleb Abed Rahman	96 ABC 0551	West	11/14/96	
Alcoholic Beverage Control Comm. v. Centergrove Entertainment Eat.	96 ABC 0583	Reilly	08/12/96	
Joseph Marcel Etienne v. Alcoholic Beverage Control Commission	96 ABC 0718	Phipps	10/17/96	
Alcoholic Beverage Control Commission v. Jesse Smith	96 ABC 0804	Gray	11/19/96	
Alcoholic Beverage Control Commission v. Winn Dixie Charlotte, Inc.	96 ABC 0858	Morrison	11/21/96	
Alcoholic Beverage Control Commission v. Winn Dixie Charlotte, Inc.	96 ABC 0859	Morrison	11/21/96	
Louis Corpnen v. Alcoholic Beverage Control Commission	96 ABC 0985	Gray	09/26/96	
Alcoholic Beverage Control Commission v. Joyce N. Capra	96 ABC 1060	Reilly	11/15/96	
HARB Inc. v. Alcoholic Beverage Control Commission	96 ABC 1124	Phipps	10/23/96	
Alcoholic Beverage Control Commission v. Russell Bernard Speller	96 ABC 1394	Smith	12/20/96	
Alcoholic Beverage Control Comm. v. Ptnrshp., T/A Blue Front Groc.	96 ABC 1469	Smith	12/09/96	

COMMISSION FOR AUCTIONEERS

John W. Foster v. Auctioneer Licensing Board	96 CFA 0201	Phipps	05/06/96
Barry G. York v. Auctioneer Licensing Board	96 CFA 0297	Smith	10/18/96

DEPARTMENT OF CORRECTION

James J. Lewis v. Department of Correction	96 DOC 0772	West	09/05/96
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CRIME CONTROL AND PUBLIC SAFETY

Roland Lee Kelly, Jr. v. United Family Services, Victim Assistance/Crime	95 CPS 0568	Morrison	05/29/96
Victims Compensation Comm.			
Robert F. Bronsdaa v. Crime Victims Compensation Commission	95 CPS 1216	Chess	05/28/96
Heled B. Hunter-Reid v. Crime Victims Compensation Commission	95 CPS 1336	Smith	03/29/96
Deborah C. Passarelli v. Crime Victims Compensation Commission	95 CPS 1399	Reilly	07/18/96
Kenneth Saunders v. Victims Compensation Commission	95 CPS 1445	Chess	03/26/96
Franklin McCoy Jones v. Crime Victims Compensation Commission	96 CPS 0056	Smith	07/03/96
Ruby H. Ford v. Crime Victims Compensation Commission	96 CPS 0110	Reilly	04/18/96
Manuel Cervantes v. Victims Compensation Fund	96 CPS 0118	Chess	03/19/96
Sheila Carol Blake v. Victims Compensation Commission	96 CPS 0280	West	07/10/96
James T. Mungo v. Victims Compensation Commission	96 CPS 0333	Reilly	07/09/96
Jerome Crutchfield v. CPS, Victims Compensation Commission	96 CPS 0340	Phipps	09/05/96
William Theodore Frazier v. Crime Victims Compensation Commission	96 CPS 0435	Chess	08/22/96
Emma Coble v. Crime Victims Compensation Commission	96 CPS 0468	Chess	09/25/96
Donna Williams v. Crime Victims Compensation Commission	96 CPS 0493	Morrison	06/13/96
Daisy Reid v. Crime Victims Compensation Commission	96 CPS 0499	West	11/18/96
Earlie McLaurin, Jr., Delano McLaurin, Sr v. Crime Victims Comp Comm	96 CPS 0639	West	01/21/97
Anthony P. Dawkins v. Crime Victims Compensation Commission	96 CPS 0716	Reilly	08/16/96
Judy Worley Milam v. Crime Victims Compensation Commission	96 CPS 0717	Gray	11/21/96
Shirley M. King v. Crime Victims Compensation	96 CPS 0802	West	08/08/96

CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Mark Mathews for Child Victim v. Crime Victims Compensation Comm.	96 CPS 0832	Becton	08/20/96	
Clara Durham v. Victims Compensation	96 CPS 0906	Phipps	09/23/96	
Shawn P. Saddler v. Victims Compensation Commission	96 CPS 1109	Morrison	01/02/97	
David Carl Anderson v. Crime Victims Compensation Commission	96 CPS 1409	Smith	11/25/96	
Douglas Alan West v. Crime Victims Compensation Commission	96 CPS 1888	West	01/03/97	

ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Gribble & Assoc. & Four Seasons Car Wash v. EHNR	95 EHR 0576	Gray	04/25/96		
Wilton Evans v. Environment, Health, & Natural Resources	95 EHR 0843	Reilly	07/17/96		
David Martin Shelton v. Rockingham County Dept/Public Health, EHNR	95 EHR 0941	West	05/01/96		
Kinston Urological Associates, P.A. v. N.C. Cancer Program	95 EHR 1198* ²	Smith	03/27/96	11:02 NCR	97
Kinston Urological Associates, P.A. v. N.C. Cancer Program	95 EHR 1199* ²	Smith	03/27/96	11:02 NCR	97
Elsie & Tony Cecchini v. Environment, Health, & Natural Resources	95 EHR 1240	Reilly	04/22/96		
United Organics Corporation v. Environment, Health, & Natural Res.	96 EHR 0064	Smith	07/01/96		
Gerald Mac Clamrock v. Environment, Health, & Natural Resources	96 EHR 0168	Phipps	05/06/96		
John Milazzo v. Environment, Health, & Natural Resources	96 EHR 0644	Reilly	08/13/96		
Wayne Marshall, Pres. Metro Area Dev., Inc. v. EHNR	96 EHR 0826	West	10/01/96		
David J. Mohn v. Environment, Health, & Natural Resources	96 EHR 0947	Smith	10/04/96		
Elizabeth Shepard Covin v. Environment, Health, & Natural Resources	96 EHR 1258	Becton	01/14/97		
Reuben Massey v. Environment, Health, and Natural Resources	96 EHR 1301	Reilly	12/18/96		
Joseph London v. Environment, Health, and Natural Resources	96 EHR 1397	Reilly	12/10/96		

Coastal Resources

Martin W. Synger v. Division of Coastal Management	95 EHR 1006	Chess	05/13/96	
J. E. Smith Construction Co. v. Division of Coastal Management	96 EHR 0074	Smith	02/23/96	
Theodore D. Barris v. Town of Long Beach, NC & Coastal Mgmt, EHNR	96 EHR 0277	West	05/09/96	

Environmental Health

Forest Gate Motel v. Environment, Health, and Natural Resources	96 EHR 0076	West	06/17/96	
Paradise Ridge Home Owners by Anne Norburn v. EHNR, Env. Health	96 EHR 0162	Phipps	05/06/96	
Zack Diakogiannis v. EHNR, Division of Environmental Health	96 EHR 0768	Gray	01/08/97	

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Frank A. Corriher & Sons Well Drilling, Inc. v. Env. Mgmt., EHNR	95 EHR 0048	Phipps	09/20/96	11:14 NCR 1191
Ford Motor Company v. EHNR, Division of Environmental Management	95 EHR 0588	Smith	12/20/96	
Herman E. Smith v. Division of Environmental Management	95 EHR 0962	West	04/30/96	
Lake Summit Property Owners Assoc. v. EHNR, Environmental Mgmt.	95 EHR 1022	Reilly	12/30/96	
Conover Lumber Co., Inc. v. EHNR, Division of Environmental Mgmt.	95 EHR 1081	Reilly	04/12/96	
City of Reidsville, a Municipal Corp. v. EHNR, Environmental Mgmt.	95 EHR 1335	Gray	10/01/96	11:15 NCR 1249
Jack West d/b/a Jack West Tree Service v. Environmental Mgmt. Comm.	95 EHR 1421	Morrison	04/08/96	
The Smithfield Packing Co., Inc., v. EHNR, Environmental Mgmt. and Citizens for Clean Industry, Inc. and Bladen Environment	95 EHR 1474	West	07/03/96	
Commscope, Inc. v. EHNR, Division of Environmental Management	96 EHR 0078	Gray	12/23/96	
Stephen L. Reedy v. EHNR, Division of Environmental Management	96 EHR 0181	Gray	12/16/96	
Rayco Utilities, Inc. v. EHNR, Division of Environmental Management	96 EHR 0367	Becton	10/04/96	
Clover M Farms, Inc. v. EHNR, Division of Environmental Management	96 EHR 0405	Becton	06/10/96	
Providence Glen Associates v. Environmental Management, EHNR	96 EHR 0648	Becton	08/12/96	
Overcash Gravel & Grading Co., Inc. v. Division of Environmental Mgmt	96 EHR 0990	West	10/29/96	

Land Resources

K&G Properties, Inc. v. EHNR, Division of Land Resources	95 EHR 1078	Smith	03/25/96	
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Marine Fisheries

Robert I. Swinson, Sr. v. EHNR, Health & Nat. Res., Marine Fisheries	95 EHR 0320	Chess	03/29/96	11:03 NCR 168
Grayden L. Fulcher and Michael Styron, Sr. v. Div. of Marine Fisheries	96 EHR 0003	Reilly	03/06/96	
Johnny R. Stotesberry v. Marine Fisheries Commission	96 EHR 0072	Gray	08/19/96	11:11 NCR 955
Julian G. Gilgo v. Environment, Health, and Natural Resources	96 EHR 0692	West	12/06/96	11:19 NCR 1530

Radiation Protection

Marsha L. Powell v. EHNR, Division of Radiation Protection	96 EHR 1116	Smith	10/10/96	
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R. Donald Phillips v. EHNR, Solid Waste Management Division	96 EHR 0554* ⁴	Gray	05/22/96	
GRACE and Margaret L. Caudle-Beck v. EHNR, Solid Waste Mgmt.	96 EHR 1125	Phipps	12/06/96	
<i>Water Quality</i>				
Ben Moses v. EHNR, Division of Water Quality	96 EHR 1085	Phipps	01/21/97	
<i>WIC Program</i>				
Lazelle Marks v. EHNR, Division of Maternal and Child Health	95 EHR 0870	West	03/27/96	
Hani Sader v. Nutrition Services, Div/Maternal & Child Health, EHNR	96 EHR 0054	West	05/22/96	
Bob's Quick Mart, Bobby D. Braswell v. Env., Health, & Natural Res.	96 EHR 0091	Smith	04/02/96	
Larry E. Mis v. USDA-Food/Cons Svc, Cory Menees-WIC Prog., EHNR	96 EHR 0164	Phipps	03/19/96	
Naser H. Hammad v. Dept. of Environment, Health, & Natural Resources	96 EHR 0632	Reilly	07/09/96	
Jamil M. Saleb v. Dept. of Environment, Health, & Natural Resources	96 EHR 0634	Phipps	09/04/96	
Khaled M. Alzer v. Dept. of Environment, Health, & Natural Resources	96 EHR 0721	Reilly	07/30/96	
EQUAL EMPLOYMENT OPPORTUNITIES				
Marsha Dianne McKoy v. DHR, DMH/DD/SAS, Caswell Center	90 EEO 0379	Chess	10/08/96	
Carl D. Davia v. Department of Correction	91 EEO 1101	Smith	05/06/96	
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Cassandra M. Deshazo v. Christine E. Carroll, Chf Child Abuse/Neg. Sec.	95 DHR 1410	Phipps	03/28/96	
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<i>Division of Child Development</i>				
Molly Fallin v. Department of Human Resources	94 DHR 0872* ³	Gray	05/15/96	
Molly Fallin v. Department of Human Resources	95 DHR 1013* ³	Gray	05/15/96	
Mary T. Hill v. DHR, Division of Child Development	95 DHR 1192	Phipps	03/27/96	
Iola Roberson v. DHR, Division of Child Development	95 DHR 1244	Gray	05/16/96	
Zannie M. Allen v. DHR, Division of Child Development	96 DHR 0304	Gray	08/15/96	
Mt. Pleasant Church v. DHR, Division of Child Development	96 DHR 0720	Gray	11/19/96	
Yvette Nivens v. DHR, Division of Child Development	96 DHR 1161	Morrison	11/19/96	
<i>Division of Facility Services</i>				
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Harry Martin Bastian v. DHR, Division of Facility Services	96 DHR 0287	West	08/21/96	
Community Care #2 v. DHR, Division of Facility Services	96 DHR 0934	Becton	10/16/96	
Community Care #4 v. DHR, Division of Facility Services	96 DHR 0935	Becton	10/16/96	
Billie Mitchell v. Department of Human Resources (DFS)	96 DHR 0975	Phipps	01/02/97	
Jo Ann Boyd Capps v. DHR, Division of Facility Services	96 DHR 1115	Gray	12/12/96	
<i>Certificate of Need Section</i>				
Nash Hospitals, Inc. v. DHR, Div/Facility Services, Cert. of Need Sect.	95 DHR 1176* ⁵	Phipps	05/23/96	11:06 NCR 389
Pitt Cty Mem. Hospital, Inc. v. DHR, Div/Facility Srvcs, Cert/Need Sect.	95 DHR 1177* ³	Phipps	05/23/96	11:06 NCR 389
<i>Group Care Licensure Section</i>				
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Leola Barnes, Shaw Family Care v. DHR, Fac. Svcs, Group Care Lic.	96 DHR 0626	West	10/01/96	
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<i>Medical Facilities Licensure Section</i>				
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Durham Reg. Hsptl. Behavioral Hlth Svcs. v. Medical Assistance, DHR	96 DHR 0637	West	09/20/96	
Jerry Heath v. DHR, Division of Medical Assistance	96 DHR 0752	Chess	10/07/96	
<i>Division of Social Services</i>				
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Addie & Major Short v. Department of Human Resources	95 DHR 1063	Morrison	03/19/96	
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<i>Child Support Enforcement Section</i>				
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Claude Eure Jr. v. Department of Human Resources	95 CSE 1155	Phipps	06/12/96	
Richard R. Fox, Sr. v. Department of Human Resources	95 CSE 1169	Becton	03/19/96	
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Tony Lee Zapata v. Department of Human Resources	95 CSE 1266	Gray	05/02/96	
Lawrence Dow Dean v. Department of Human Resources	95 CSE 1267	Morrison	03/29/96	
Carl E. Coffey v. Department of Human Resources	95 CSE 1270	Smith	03/15/96	
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Lonnie Dawes v. Department of Human Resources	95 CSE 1274	Smith	06/12/96	
Mickey Turner v. Department of Human Resources	95 CSE 1278	Smith	03/14/96	
James Joseph Gallagher v. Department of Human Resources	95 CSE 1280	Chess	03/19/96	
James Thomas McRae v. Department of Human Resources	95 CSE 1296	Chess	03/15/96	
Vincent E. Koehler v. Department of Human Resources	95 CSE 1301	Phipps	05/09/96	
David J. Moseley v. Department of Human Resources	95 CSE 1304	Chess	03/29/96	
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Wm. R. Evans v. Department of Human Resources	95 CSE 1377	Becton	03/11/96	
Rory J. Curry v. Department of Human Resources	95 CSE 1380	Mann	03/15/96	
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Lennard J. Watson v. Department of Human Resources	95 CSE 1414	Mann	08/23/96	
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Dennis L. McNeill v. Department of Human Resources	95 CSE 1435	Becton	03/13/96	
Tony A. Rogers v. Department of Human Resources	95 CSE 1436	Chess	05/16/96	
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Richard E. Reader v. Department of Human Resources	95 CSE 1469	Smith	04/29/96	
Wendel McDonald v. Department of Human Resources	95 CSE 1470	Becton	07/29/96	
Wilbur Dewayne Bault v. Department of Human Resources	95 CSE 1475	West	03/13/96	
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Calvin S. Autin v. Department of Human Resources	96 CSE 0140	Phipps	05/17/96	
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Donald L. Carr, Jr. v. Department of Human Resources	96 CSE 0200	West	05/30/96	
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Andre Duncan v. Department of Human Resources	96 CSE 0249	Chess	09/25/96	
Lorenzo Wilon v. Department of Human Resources	96 CSE 0257	Phipps	05/06/96	
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Christopher F. Byrne v. Department of Human Resources	96 CSE 0336	Chess	06/26/96	
Richard Painall Burch v. Department of Human Resources	96 CSE 0339	Phipps	06/27/96	
Charles Gillaspie v. Department of Human Resources	96 CSE 0365	Mann	07/23/96	
Teresa Reynolds v. Department of Human Resources	96 CSE 0369	Gray	07/23/96	
Thornell Bowden v. Department of Human Resources	96 CSE 0370	Morrison	05/17/96	
Kenneth Edward Burns v. Department of Human Resources	96 CSE 0379	Reilly	07/18/96	
Carl R. Ritter v. Department of Human Resources	96 CSE 0380	West	05/08/96	
William Charles Rorie v. Department of Human Resources	96 CSE 0388	Smith	08/01/96	
Leon Gibao v. Department of Human Resources	96 CSE 0389	Beeton	07/02/96	
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Jackie L. Kopczick v. Department of Human Resources	96 CSE 0431	Mann	06/05/96	
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James Trevor Emerson v. Department of Human Resources	96 CSE 0545	Phipps	07/25/96	
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Jonathan Bernard Copper v. Department of Human Resources	96 CSE 0642	Phipps	09/03/96	
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Thomas Lee Glenn v. Department of Human Resources	96 CSE 1170	Reilly	12/10/96	
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Washington J. James, III v. Department of Human Resources	96 CSE 1276	Chess	11/04/96	
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Robert A. Green v. Department of Human Resources	96 CSE 1437* ¹²	Gray	12/12/96	
Charlie Thomas Smith v. Department of Human Resources	96 CSE 1445	Phipps	12/12/96	
James McCollough v. Department of Human Resources	96 CSE 1490	Phipps	01/09/97	
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Jeffrey S. Lerner v. Department of Human Resources	96 CSE 1621	Phipps	01/09/97	
Michael Bell v. Department of Human Resources	96 CSE 1800	Morrison	01/09/97	
Phillip L. Lewis v. Department of Human Resources	96 CRA 1225	Becton	12/18/96	
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Charles F. Haag, Jr. v. Department of Human Resources	96 CRA 1289	Phipps	12/12/96	
Walter Richardson, Jr. v. Department of Human Resources	96 CRA 1302	Morrison	12/10/96	
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Larry Michael Rollins, Jr. v. Department of Human Resources	96 CRA 1341	Reilly	01/10/97	
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Robert A. Green v. Department of Human Resources	96 CRA 1436* ¹²	Gray	12/12/96	
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Keith W. Phillips v. Cleveland Cty Department of Social Services	96 CRA 1627	West	01/14/97	
Judy R. Johnson v. Department of Human Resources	96 CRA 1631	Phipps	01/14/97	
Levern Blue v. Department of Human Resources	96 CRA 1650	West	01/14/97	
Michael E. Kimbril v. Child Support Agency Buncombe County	96 CRA 1666	Smith	01/14/97	
Spencer L. Allen v. Department of Human Resources	96 CRA 1676	Smith	01/14/97	
McLinda S. Tunner v. Department of Human Resources	95 DCS 0921	Morrison	05/09/96	
Jeanne G. Bishop v. Department of Human Resources	95 DCS 0958	West	04/04/96	
Rebecca Beaver v. Department of Human Resources	95 DCS 1114	Reilly	04/26/96	
Vivian B. White v. Department of Human Resources	95 DCS 1115	Phipps	06/04/96	
Mary R. Mahon v. Department of Human Resources	95 DCS 1137* ⁶	Chess	06/11/96	
Mary R. Mahon v. Department of Human Resources	95 DCS 1142* ⁶	Chess	06/11/96	
Laura Heidorf v. Department of Human Resources	96 DCS 0065	Reilly	03/22/96	

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Lois Floyd Barber v. Department of Human Resources	96 DCS 0176	Gray	07/30/96	
La Rue Herring v. Department of Human Resources	96 DCS 0298	Gray	11/06/96	
Debra D. Hammonda v. Department of Human Resources	96 DCS 0792	Chess	10/08/96	
Vickie Osoria v. Department of Human Resources	96 DCS 1140	Gray	12/12/96	
Trina P. Bollinger v. Department of Human Resources	96 DCS 1353	Smith	12/12/96	
INSURANCE				
Carol M. Hall v. Teachers & State Employees Comp. Major Medical Plan	95 INS 1141	Pippa	04/01/96	
Arthur Wayne Dempsey v. Department of Insurance	95 INS 1255	Smith	04/22/96	
Deborah B. Beavers v. Teachers & St. Emp. Comp. Major Med. Plan	95 INS 1411	Smith	05/10/96	11:05 NCR 308
Nadia A. Hakim v. Department of Insurance	95 INS 1422	Smith	03/26/96	
Kathleen D. Jarvia v. Teachers & St. Emp. Comp. Major Med. Plan	96 INS 0075	Morrison	10/16/96	
Mary Alice Casey v. Department of Insurance	96 INS 0148	Reilly	08/14/96	
Nancy C. Lowe v. Teachers & State Employees Comp. Major Med. Plan	96 INS 0726	West	11/20/96	
JUSTICE				
Wendy Atwood v. Department of Justice (Company Police Program)	96 DOJ 0111	Chess	08/07/96	
Deborah K. Torrance v. Company Police Program Administrator	96 DOJ 0363	Becton	08/14/96	
John O. Beach v. Alarm Systems Licensing Board	96 DOJ 1362	West	11/19/96	
Ronald R. Coats v. Alarm Systems Licensing Board	96 DOJ 1364	Pippa	11/26/96	
<i>Education and Training Standards Division</i>				
Freddie Levern Thompson v. Criml. Justice Ed. & Training Stds. Comm.	95 DOJ 0731	Chess	02/29/96	
Shane Douglas Crawford v. Sheriffs' Ed. & Training Stds. Comm.	95 DOJ 0943	Reilly	05/17/96	
Charles Henry Daniels v. Criml. Justice Ed. & Training Stds. Comm.	95 DOJ 1070	West	06/12/96	
Valerie Maxine Brewington v. Criml. Justice Ed. & Training Stds. Comm.	95 DOJ 1129	Smith	04/12/96	
Patricia Josephine Bonanno v. Sheriffs' Ed. & Training Stds. Comm.	95 DOJ 1152	Chess	03/25/96	
Douglas Allan Stuart v. Sheriffs' Ed. & Training Stds. Comm.	95 DOJ 1189	Morrison	06/06/96	
Rick M. Evoy v. Criminal Justice Ed. & Training Stds. Comm.	95 DOJ 1235	Chess	03/25/96	
Windell Daniels v. Criminal Justice Ed. & Training Stds. Comm.	95 DOJ 1320	Gray	07/24/96	
Gregory Lee Daughtridge v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0027	Reilly	03/19/96	
Sherrie Ann Gaoey v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0028	Becton	08/09/96	
Stuart Hugh Rogers v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0029	West	06/18/96	
Brian Thomas Craven v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0036	Gray	07/09/96	
Larry D. Weston v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0037	Smith	06/12/96	
Carlton Gerald v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0068	Gray	03/26/96	
Ken Montic Oxendine v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0071	West	03/28/96	
James Leon Huat v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0077	Phipps	07/25/96	
David Kent Knight v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0115	West	03/28/96	
Demetrius Arnez Brown v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0138	Becton	08/09/96	
Claude F. Nunnery v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0305	Gray	08/28/96	
John Charles Maloney v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0306	Smith	08/16/96	
Jimmie L. Cooper v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0352	Morrison	07/12/96	
Jerry Glenn Moaette v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0420	Morrison	07/26/96	11:10 NCR 874
Carlton Gerald v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0432	Becton	08/07/96	
Woodrow Andrew Clark v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0515	West	10/07/96	
Warren Scott Neil v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0576	Becton	08/07/96	
Zorisna Lyczkowski v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0619	Morrison	10/21/96	
Philip A. Berezik, Jr. v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0652	Reilly	11/13/96	
George Willie Gilliam v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0656	Morrison	08/02/96	
Glenn R. Brammer v. Sheriffs' Ed. & Training Standards Comm.	96 DOJ 0839	Smith	09/05/96	
Timothy Wayne Fulford v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0840	Smith	09/16/96	
Brent Lee Millsaps v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0841	Chess	09/24/96	
James Michael Doe v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0957	Phipps	12/06/96	
<i>Private Protective Services Board</i>				
Timothy A. Hawkins v. Private Protective Services Board	95 DOJ 1419	West	04/12/96	
William F. Comba v. Private Protective Services Board	96 DOJ 0022	West	03/22/96	
Randy C. Hoyle v. Private Protective Services Board	96 DOJ 0024	Smith	06/10/96	
Robert A. Gibsoo v. Private Protective Services Board	96 DOJ 0386	Smith	07/03/96	
Jimmy D. Matthews v. Private Protective Services Board	96 DOJ 0676	Reilly	07/11/96	
Johnnie Lee King v. Private Protective Services Board	96 DOJ 0677	Reilly	07/11/96	
Thomas R. Harris v. Private Protective Services Board	96 DOJ 0761	Reilly	07/11/96	
Private Protective Services Board v. Henry E. Byrd, Jr.	96 DOJ 0796	Mann	08/19/96	

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Larry Boggs v. Private Protective Services Board	96 DOJ 0797	Morrison	10/10/96	
Private Protective Services Board v. Charles T. Mathis	96 DOJ 0798	Mann	08/27/96	
Private Protective Services Board v. Ricky C. Mullinax	96 DOJ 0800	Becton	10/04/96	
Private Protective Services Board v. Michael A. Smith	96 DOJ 0801	Becton	10/09/96	
Keith L. Saunders v. Private Protective Services Board	96 DOJ 1363	Smith	01/15/97	
MEDICAL BOARD				
Medical Board v. Martin A. Hatcher, M.D.	92 BME 0510	Gray	06/28/96	11:08 NCR 555
PUBLIC INSTRUCTION				
Lavern K. Suggs v. NC Board of Education	95 EDC 0383	Smith	03/13/96	11:01 NCR 50
J.T.S. & T.S., Parents of E.M.S. v. Chapel Hill-Carrboro City Schl. Sys.	95 EDC 1194	Mann	04/12/96	
L.O. v. Charlotte-Mecklenburg Board of Education	96 EDC 0285	Mann	05/31/96	
Candyce Ewanda Newsome v. Hertford County Board of Education	96 EDC 0344	Chess	05/15/96	
W. and G.B., on Behalf of C.B. v. Winston-Salem/Forsyth Cty. Schools	96 EDC 0349	Mann	09/03/96	
Cyvonne Rush Bryant v. NC State Board of Education	96 EDC 0591	Becton	09/11/96	
Steve Wright Brown v. State Board of Education	96 EDC 0593	Reilly	10/11/96	
Blaise Malveau v. Cumberland County Board of Education	96 EDC 0613	Chess	08/14/96	
Blaise Malveau v. Cumberland County Board of Education	96 EDC 0614	Chess	08/14/96	
John Barlow v. Watauga County Board of Education	96 EDC 0623	Reilly	07/24/96	
Louis Craig Gill v. State Board of Education	96 EDC 0675	Smith	12/18/96	11:20 NCR 1624
John L. Archer v. Department of Public Instruction	96 EDC 0678	Smith	08/02/96	
Pamela F. Cummings v. Department of Public Instruction	96 EDC 0742	Smith	08/16/96	
Susie Whitley/Brandon Whitley v. Charlotte-Mecklenburg Bd. of Ed.	96 EDC 0964	Chess	09/17/96	
Michael Wayne Geter v. Charlotte-Mecklenburg School Board	96 EDC 1036	West	09/23/96	
Ted Louis Raye v. State Board of Education	96 EDC 1055	Morrison	01/10/97	
Felicia M. Moore v. Charlotte-Mecklenburg Schools & Dept. of Pub Ins.	96 EDC 1303	Smith	11/25/96	
STATE PERSONNEL				
<i>Department of Administration</i>				
Jimmie A. Hughes, Jr. v. Department of Administration	96 OSP 0008	Reilly	07/23/96	
Jonathan L. Fann v. Department of Administration, Admin. Personnel	96 OSP 0042	Gray	05/24/96	
Carlton Gerald v. State Capitol Police, Department of Administration	96 OSP 0116	Gray	04/25/96	
<i>Administrative Office of the Court</i>				
Ethel R. Tyson v. NC Judicial Dept., Administrative Office of the Court	96 OSP 0080	Smith	03/15/96	
<i>Albemarle Mental Health Center</i>				
Judy A. Gordon v. Albemarle Mental Health Center	96 OSP 0354	Chess	10/17/96	
<i>Appalachian State University</i>				
Janice S. Walton v. ASU, Beverly Christian, Joan Critcher, Lib Clawson	96 OSP 0055	West	01/15/97	
Janice S. Walton v. Appalachian St University, Claude Cooper, Bill Ragan	96 OSP 0062	West	03/13/96	
Janice S. Carroll v. Appalachian St University, Claude Cooper, Bill Ragan	96 OSP 0063	West	03/07/96	
Theresa Louise Whittington v. Appalachian State University	96 OSP 0350	Smith	10/09/96	
<i>A & T State University</i>				
Joey M. Carey v. A & T State University	96 OSP 0393	West	10/10/96	
<i>Caldwell County</i>				
Blake C. Pace v. Caldwell County	96 OSP 0047	Morrison	04/01/96	
<i>Catawba County Mental Health</i>				
Tonyer J. Ruff v. Catawba County Mental Health	96 OSP 0951	Becton	10/22/96	
<i>NC Central University</i>				
Francina Y. Tate v. Chancellor Julius L. Chambers, NC Central Univ.	95 OSP 1432	Smith	04/22/96	

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Renee Lynch v. NC Ceotral University	95 OSP 1461	Smith	10/03/96	11:15 NCR 1255
<i>Central North Carolina School for the Deaf</i>				
Felicia S. Milton v. Central North Carolina School for the Deaf	95 OSP 1241	Chess	05/17/96	
<i>Department of Correction</i>				
Haydee Craver v. Department of Correction, Pender Correctional Inst.	95 OSP 1046	Gray	03/12/96	
Gregory Allen Jones v. Department of Correction, Supt. Bonnie Boyette	95 OSP 1290	Phipps	05/14/96	
Carolyn Cheek v. Department of Correction	95 OSP 1441	Smith	09/19/96	
Calvia L. Hill v. Department of Correction, McCain Correctional Hospital	95 OSP 1460	Gray	05/17/96	
Alisha Louise Staley v. Randolph Correctional Center	96 OSP 0092	Gray	06/03/96	
Brenda Propst v. Foothills Correctional Institution	96 OSP 0199	Morrison	04/09/96	
Delon D. Solomon v. Department of Correction	96 OSP 0258	West	07/02/96	
Alisha Louise Staley v. Randolph Correctional Center	96 OSP 0261	Morrison	08/05/96	
Ann Williams v. Department of Correction	96 OSP 0279	Phipps	10/31/96	
Haydee C. Craver v. Department of Correction, Christopher Phillips	96 OSP 0348	Phipps	05/15/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0372*	Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0373*	Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0374*	Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0375*	Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0376*	Smith	07/05/96	
Rebecca A. Faison v. Department of Correction for Women	96 OSP 0383	Becton	10/01/96	
Calvia L. Hill v. Department of Correction, McCain Correctional Hospital	96 OSP 0397	Gray	08/15/96	
Pamela Robinson v. Department of Correction	96 OSP 0403	Phipps	12/18/96	
James A. Klein v. Department of Correction	96 OSP 0434	Gray	10/29/96	
Tony R. Broffman v. Department of Correction	96 OSP 0625	Becton	08/29/96	
Mary Hargraves v. Department of Correction	96 OSP 0674	Smith	09/05/96	
Michael S. Doe v. Caswell Center	96 OSP 0691	Phipps	09/23/96	
Timothy L. Willis v. Caswell Correctional Center	96 OSP 0715	West	07/30/96	
Alisha Louise Staley v. Randolph Correctional Center	96 OSP 0780	Smith	10/16/96	
Sharon Oxendine v. Department of Correction	96 OSP 0999	Becton	10/22/96	
Charles H. Perry v. Department of Correction	96 OSP 1542	Reilly	01/02/97	
<i>Department of Crime Control and Public Safety</i>				
Jerry Lee Fields v. State Highway Patrol	94 OSP 1174*	Gray	08/05/96	
Gene Wells v. Crime Control & Public Safety, State Highway Patrol	95 OSP 0249*	Smith	07/23/96	
Hearl Oxendine v. Crime Control & Public Safety, St. Hwy. Patrol	95 OSP 0697	Smith	10/16/96	
Jerry Lee Fields v. State Highway Patrol	95 OSP 0836*	Gray	08/05/96	
Gene Wells v. Crime Control & Public Safety, State Highway Patrol	95 OSP 1050*	Smith	07/23/96	
Peter Mason Griffin v. Crime Control & Public Safety, St. Hwy. Patrol	96 OSP 1309	Gray	12/12/96	
<i>Durham County Health Department</i>				
Lylla D. Stockton v. Durham County Health Department	95 OSP 0176	West	07/02/96	
<i>East Carolina University</i>				
Gregory Lapicki v. East Carolina University	94 OSP 1721	Reilly	09/26/96	
Bela E. Karvaly, Ph.D. v. ECU Bd. of Trustees, Ch. Richard R. Eakin	96 OSP 0150	Chess	05/08/96	
Teresa Dail McCaskill v. East Carolina University	96 OSP 0212	Gray	01/10/97	
Richard Paul Schneek v. ECU Human Res., Sch. of Med., Psych. Med.	96 OSP 0759	Smith	12/19/96	
<i>Employment Security Commission</i>				
Gene S. Baker v. Gov. James B. Hunt, Jr., Ann Q. Duncan, Chairman, Employment Security Commission	93 OSP 0707	Becton	05/16/96	11:05 NCR 300
William Herbert Allen v. Employment Security Commission	94 OSP 1688	West	06/11/96	
Patricia Gary v. Employment Security Commission	95 OSP 0793	Chess	05/14/96	
Tonderlier Lynch v. Emp. Security Comm., Austin Quality Foods, Inc.	96 OSP 0275	Chess	05/21/96	

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<i>Department of Environment, Health, and Natural Resources</i>				
Roberta Ann "Robin" Hood v. Environment, Health, & Natural Resources	95 OSP 0035	Reilly	04/09/96	
Kathy B. Vinson v. Dept. of Environment, Health, & Natural Resources	95 OSP 0203	Gray	09/18/96	11:13 NCR 1087
Donald E. Batts v. Division of Adult Health, EHNR	95 OSP 1071	Smith	10/01/96	
<i>Fayetteville State University</i>				
William C. Neal v. Fayetteville State University	95 OSP 0392	Smith	04/22/96	
<i>Guilford County Area Mental Health, Developmental Disabilities and Substance Abuse</i>				
Stuart Klatte v. Guilford Cty Area MH/DD/SAS, St. Per Comm, OSP	95 OSP 1179	Smith	07/19/96	11:10 NCR 865
<i>Department of Human Resources</i>				
Myron A. Smith v. DHR, Division of Child Development	95 OSP 1033	Morrison	11/27/96	
Ophelia Webb v. Edard R. Inman, Dir. Alamance Cty DSS, Alamance Cty DSS, Alamance County, and DHR	96 OSP 0112	Gray	03/13/96	
Peggy Pledger v. Department of Human Resources, Dorothea Dix Hosp.	96 OSP 0114* ¹¹	Gray	11/05/96	
Peggy Pledger v. Department of Human Resources, Dorothea Dix Hosp.	96 OSP 0146* ¹¹	Gray	11/05/96	
Peggy Pledger v. Department of Human Resources, Dorothea Dix Hosp.	96 OSP 0147* ¹¹	Gray	11/05/96	
Gail Marie Rodgers Lincoln v. DHR, DMH/DD/SAS-Cherry Hosp., Cherry Hospital	96 OSP 0159	Chess	06/17/96	
Cynthia D. Hickman v. DHR, Central School for the Deaf	96 OSP 0191	Becton	09/23/96	
Johnny Earl Young v. Unit Head Director of Food & Nutrition	96 OSP 0217	Reilly	08/13/96	
Peggy Pledger v. Department of Human Resources, Dorothea Dix Hosp.	96 OSP 0241* ¹¹	Gray	11/05/96	
Mary A. Boogaerts v. Cherry Hospital, Goldsboro, NC	96 OSP 0269	Becton	05/29/96	
Kelvin Parter v. Dorothea Dix Hospital	96 OSP 0294	Chess	08/07/96	
Johnny Earl Young v. Unit Head Director of Food & Nutrition	96 OSP 0543	Reilly	07/09/96	
Johnny Earl Young v. Unit Head Director of Food & Nutrition	96 OSP 0590	Reilly	07/09/96	
Kim A. Bell v. Walter B. Jones Alcohol & Drug Abuse Treatment Center	96 OSP 0597	Becton	09/11/96	
Allen J. Wright, Jr. v. Blue Ridge Area Authority	96 OSP 0665	Reilly	12/20/96	
Lynn S. Hales v. John Umstead Hospital	96 OSP 0729	West	10/02/96	
Deborah Ayala v. DHR/DSS/Child Support Enforcement	96 OSP 1062	Smith	10/29/96	
Jacqueline C. Branch v. Division of Facility Services	96 OSP 1089	Smith	12/09/96	
<i>Buncombe County Department of Social Services</i>				
Kathy Davis v. Buncombe County Department of Social Services	95 OSP 1487	West	08/09/96	
<i>Caswell Center</i>				
Ramona C. Jenkins v. Department of Human Resources, Caswell Center	89 OSP 0411	Becton	03/26/96	
Ramona C. Jenkins v. Department of Human Resources, Caswell Center	91 OSP 0522	Becton	03/26/96	11:02 NCR 89
Franklin D. Sutton v. Department of Human Resources, Caswell Center	94 OSP 0766	Smith	03/21/96	
<i>Cumberland County Department of Social Services</i>				
Ruth Fortner v. Cumberland County Department of Social Services	96 OSP 0829	Becton	12/02/96	
<i>Durham County Department of Social Services</i>				
Jan E. Smith v. Durham County Department of Social Services	95 OSP 1121	Morrison	05/24/96	
<i>Halifax County Department of Social Services</i>				
Clairbel Thomas v. Halifax County DSS & Director, Halifax County DSS	95 OSP 0905	West	05/29/96	11:06 NCR 395
<i>Haywood County Department of Social Services</i>				
Carol Hubbard v. Haywood County Department of Social Services	95 OSP 1084	Reilly	08/30/96	11:13 NCR 1092
<i>Lenoir County Department of Social Services</i>				
Sharron S. Moten v. Lenoir County DSS, Jack B. Jones	96 OSP 1100	Gray	12/06/96	
Felicia Ann Baker v. Lenoir County DSS, Jack B. Jones	96 OSP 1101	Gray	12/12/96	

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<i>Division of Medical Assistance</i>				
Harold Wiggins v. Division of Medical Assistance	95 OSP 1482	West	06/11/96	
<i>O'Berry Center</i>				
Samuel Geddie v. O'Berry Center	96 OSP 0414	Morrison	06/13/96	
Gale Worrells v. Department of Human Resources, O'Berry Center	96 OSP 1011	Gray	01/09/97	11:21 NCR 1699
<i>Rockingham County Department of Social Services</i>				
Loretta Lawson v. Rockingham County DSS	96 OSP 0471	West	06/13/96	
<i>Vance County Department of Social Services</i>				
Robert Eugene Davis v. Vance County Department of Social Services	96 OSP 0157	Reilly	10/28/96	
<i>Wake County Department of Social Services</i>				
Phylis Gilbert v. Wake County Department of Social Services	95 OSP 1238	Phipps	06/27/96	
<i>Wilson County Department of Social Services</i>				
Karen R. Davis v. Wilson County Department of Social Services	96 OSP 0394	Chess	11/01/96	
<i>Department of Insurance</i>				
Larry W. Creech v. Department of Insurance	95 OSP 0631	Reilly	06/06/96	11:07 NCR 434
<i>Department of Labor</i>				
Kevin P. Kolbe, Sr. v. Department of Labor	95 OSP 0968	Morrison	03/14/96	11:01 NCR 58
<i>New Hanover County Board of Health</i>				
Tabandeh Zand v. New Hanover County Board of Health	95 OSP 1035	Smith	03/01/96	
<i>Pembroke State University</i>				
Bruce W. Hunt v. Pembroke State University	95 OSP 1288	Becton	12/02/96	
<i>Department of Public Instruction</i>				
Johnny Leak v. Public Schools of NC, Dept. of Public Instruction	96 OSP 0861	Phipps	09/05/96	
McLennard Jay v. Person County Schools	96 OSP 0862	Phipps	09/04/96	
<i>Sandhill Community College</i>				
Earl Levon Womack v. Sandhill Community College Bd. of Trustees	96 OSP 0573	Phipps	07/25/96	
<i>Office of the State Controller</i>				
Angela M. Terry v. Office of the State Controller	96 OSP 0402	Becton	08/07/96	
<i>North Carolina State University</i>				
Vernell Mitchell v. North Carolina Cooperative Extension	96 OSP 0132	Gray	05/10/96	
Frederick A. Parmley v. NCSU Public Safety	96 OSP 1037	Smith	01/14/97	
Harvey Lee Clemons v. North Carolina State University	96 OSP 1426	Reilly	01/16/97	
Andrew W. Gholson v. North Carolina State University	96 OSP 1730	Reilly	01/15/97	
<i>Department of Transportation</i>				
Pearlie M. Samuel-Johnson v. Department of Transportation	94 OSP 0589* ¹	Gray	03/01/96	

* Consolidated cases.

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Dorothy J. Grays v. Div. of Motor Vehicles, Dept. of Transportation	94 OSP 1044	Reilly	04/12/96	11:03 NCR 173
Bobby R. Mayo v. Department of Transportation	95 OSP 0561* ¹³	Reilly	01/08/97	
James H. Broihill v. Department of Transportation	95 OSP 0673	Gray	12/02/96	
Bobby R. Mayo v. Department of Transportation	95 OSP 0798* ¹³	Reilly	01/08/97	
Pearlie M. Simuel-Johnson v. Department of Transportation	95 OSP 0837* ¹³	Gray	03/01/96	
Lisa Ann Lee v. Department of Transportation	95 OSP 1099	Reilly	07/31/96	
Melvin Duncan v. Department of Transportation	95 OSP 1462	Morrison	03/08/96	
Greg Brown v. Department of Transportation	96 OSP 0048	Reilly	05/02/96	
Jesse Wayne Castle v. State Highway Maint., Guess Rd., Durham, NC	96 OSP 0087	Gray	04/15/96	
Archie Brooks v. W. F. Rosser, Department of Transportation	96 OSP 0239	Smith	05/17/96	
Jessie L. Allen et al. v. DMV Enforcement Section	96 OSP 0408	Becton	08/12/96	
Dwight Odell Graves v. DOT Maintenance, Caswell County	96 OSP 0616	Morrison	10/24/96	
R.L. Singleton v. Department of Transportation	96 OSP 0683	Becton	08/12/96	
William Dean Gillenwater v. Department of Transportation	96 OSP 0684	Gray	12/13/96	
Stephanie Taylor v. Department of Motor Vehicles	96 OSP 0955	Becton	08/29/96	11:13 NCR 1095
<i>Tri-County Mental Health Complex</i>				
Deborah Heil v. Tri-County Mental Health Complex	95 OSP 1100	Smith	03/22/96	
<i>University of North Carolina</i>				
Pamela B. Edwards v. University of North Carolina at Chapel Hill	95 OSP 0842	Chess	06/28/96	
Keith R. Cameron v. University of North Carolina at Chapel Hill	95 OSP 1060	Morrison	06/24/96	
Jerel H. Bonner v. School of Nursing UNC at Chapel Hill	96 OSP 0026	Gray	03/12/96	11:01 NCR 61
Bela E. Karvaly, Ph.D. v. UNC Bd. of Gov., Pres. C.D. Spangler, Jr.	96 OSP 0151	Chess	05/08/96	
Carl E. Whigham v. UNC Hospitals at Chapel Hill	96 OSP 0248	Chess	06/11/96	
J. Scott Spears v. Ralph Pederson and UNC-C	96 OSP 0548	Chess	08/30/96	
Nellie Joyce Ferguson v. UNC Physicians & Assoc., Charles Foskey, Dir.	96 OSP 0977	Phipps	10/02/96	
Mae Helen Lewis v. UNC Greensboro - Physical Plant	96 OSP 1000	Reilly	10/21/96	
<i>Wake County Board of Health</i>				
Debbie L. Whitley v. Env. Health Div. Wake Cty. Dept. of Health	96 OSP 1090	Smith	09/05/96	
<i>Western Carolina University</i>				
Kristin K. Parkinson v. Western Carolina University	96 OSP 0987	Becton	10/22/96	
<i>Winston Salem State University</i>				
Gejuan Long v. Winston Salem State University	96 OSP 0253	Gray	01/17/97	
STATE TREASURER				
Donald B. Durham v. Teachers' & St. Employees Retirement Sys.	92 DST 1066	Chess	07/17/96	11:09 NCR 810
Joyce Clyburn v. Dept. of State Treasurer Retirement Systems Division	96 DST 1087	Smith	10/18/96	
DEPARTMENT OF TRANSPORTATION				
James E. Phillips v. Dept. of Transportation, Div. of Motor Vehicles	96 DOT 1829	Reilly	12/10/96	
UNIVERSITY OF NORTH CAROLINA				
Sylvia Jeffries v. University of NC Hospitals at Chapel Hill	96 UNC 0067	Gray	04/16/96	
James E. Boudwin v. University of NC Hospitals at Chapel Hill	96 UNC 0343	Chess	07/22/96	
Rufus T. Moore Jr. v. UNC Hospital	96 UNC 0470	Reilly	08/12/96	
Marcia Spruill v. UNC Hospitals - Patient Accounts	96 UNC 0500	Becton	07/10/96	
Charles E. Houlk v. UNC Hospitals	96 UNC 0588	Morrison	08/09/96	

STATE OF NORTH CAROLINA

COUNTY OF WAYNE

**IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
96 OSP 1011**

GALE WORRELLS,)
Petitioner,)
)
v.) RECOMMENDED DECISION
)
NORTH CAROLINA DEPARTMENT OF)
HUMAN RESOURCES, O'BERRY CENTER,)
Respondent.)

BACKGROUND

Petitioner filed for a contested case hearing in order to appeal the decision of the Respondent agency to uphold Petitioner's dismissal from work as an employee with O'Berry Center.

Petitioner contends that Respondent failed to provide Petitioner with proper notice of the reasons for her dismissal and that Respondent lacked just cause to dismiss her. Respondent contends that Petitioner received proper notice and that Petitioner was dismissed for just cause.

Petitioner filed her Motion for Summary Judgment on November 5, 1996. Respondent filed its Response on November 20, 1996. Petitioner filed her Response on December 11, 1996. This cause came on to be heard on December 16, 1996 in Goldsboro, North Carolina.

APPEARANCES

For Petitioner: John R. Keller
Eastern Carolina Legal Services
P.O. Box 1060
Goldsboro, NC 27533

For Respondent: Lisa G. Corbett
Assistant Attorney General
Cherry Hospital, Caller Box 8000
Goldsboro, NC 27530

ISSUE

Did Respondent fail to provide Petitioner with adequate notice of the specific reasons for her dismissal in violation of G.S. 126-35(a)?

Based upon a review of the pleadings, Affidavit of Gale Worrells, Affidavit of Frank Farrell, memoranda of counsel, and arguments of counsel, the undersigned Administrative Law Judge finds the following:

UNCONTROVERTED FACTS**

1. Petitioner, a career state employee, was employed at O'Berry Center since 1977.
2. Petitioner's last position at O'Berry Center was as a Developmental Technician II in Group Home 6-5.

** While findings of fact in an order of summary judgment are unnecessary, it may be helpful to the parties and final decision maker to list the material and uncontested facts which are not at issue and are the basis for the conclusions of law and judgment.

CONTESTED CASE DECISIONS

3. Respondent's letter of dismissal dated March 20, 1996 does not include the following information:

- a. the name of the person(s) who made the allegations upon which respondent relies to support its decision to dismiss petitioner;
- b. the name of the resident(s) from whom petitioner is alleged to have withheld food;
- c. the date(s) when petitioner is alleged to have withheld food from a resident(s).

Based upon the foregoing Facts, the undersigned Administrative Law Judge makes the following:

CONCLUSIONS OF LAW

1. The Office of Administrative Hearings has jurisdiction over the parties and subject matter pursuant to Chapters 126 and 150B of the North Carolina General Statutes and to issue a recommended decision to the State Personnel Commission which shall make the final decision.

2. The notice of the specific acts or omissions which provide the basis for respondent agency's decision to dismiss petitioner must be contained in the letter of dismissal dated March 20, 1996. See, G.S. 126-35(a); Luck v. Employment Security Commission of North Carolina, 50 N.C.App. 192, 272 S.E.2d 607 (1980); Employment Security Commission v. Wells, 50 N.C.App. 389, 274 S.E.2d 256 (1981).

3. The letter of dismissal dated March 20, 1996 failed to provide petitioner with notice of the specific acts or omissions supporting respondent agency's decision to dismiss petitioner in violation of G.S. 126-35(a).

4. Petitioner is entitled to summary judgment on the issue whether respondent failed to provide petitioner with adequate notice of the specific reasons for her dismissal in violation of G.S. 126-35(a) as there is no genuine issue of material fact and Petitioner is entitled to judgment as a matter of law.

5. Failure to provide petitioner with adequate notice of the specific reasons for her dismissal in violation of G.S. 126-35(a) requires that respondent agency's action (dismissal of petitioner from employment) be dismissed. See, G.S. 126-35(a); Owen v. UNC-G Physical Plant, 121 N.C.App. 682, 468 S.E.2d 813, discr. rev. improv. allowed, _____ N.C._____, 477 S.E.2d 33 (1996); Meyers v. Department of Human Resources, 92 N.C.App. 193, 374 S.E.2d 280 (1988), discr. rev. denied, 324 N.C. 247, 377 S.E.2d 754 (1989); Wells, supra.

6. Dismissal of respondent agency's action requires that petitioner be returned to status quo at the time this action was taken.

Based upon the Uncontroverted Facts and Conclusions of Law, the undersigned Administrative Law Judge makes the following:

RECOMMENDED DECISION

1. That Summary Judgment be GRANTED in favor of Petitioner.
2. That Respondent agency's action against Petitioner be DISMISSED.
3. That Petitioner be reinstated with full back pay and benefits.

ORDER

It is hereby ordered that the agency serve a copy of the final decision on all parties and to furnish a copy to the parties, attorney of record and to the Office of Administrative Hearings, P.O. Drawer 27447, Raleigh, N.C. 27611-7447, in accordance with G.S. 150B-36(b).

NOTICE

The agency making the final decision in this contested case is the North Carolina State Personnel Commission ("SPC"). The SPC is required to give each party an opportunity to file exceptions to this recommended decision and to present written arguments to those in the agency who will make the final decision. G.S. 150B-36(a).

This the 8th day of January, 1997.

Beecher R. Gray
Administrative Law Judge

The North Carolina Administrative Code (NCAC) has four major subdivisions of rules. Two of these, titles and chapters, are mandatory. The major subdivision of the NCAC is the title. Each major department in the North Carolina executive branch of government has been assigned a title number. Titles are further broken down into chapters which shall be numerical in order. The other two, subchapters and sections are optional subdivisions to be used by agencies when appropriate.

TITLE/MAJOR DIVISIONS OF THE NORTH CAROLINA ADMINISTRATIVE CODE

TITLE	DEPARTMENT	LICENSING BOARDS	CHAPTER
1	Administration	Acupuncture	1
2	Agriculture	Architecture	2
3	Auditor	Auctioneers	4
4	Commerce	Barber Examiners	6
5	Correction	Certified Public Accountant Examiners	8
6	Council of State	Chiropractic Examiners	10
7	Cultural Resources	General Contractors	12
8	Elections	Cosmetic Art Examiners	14
9	Governor	Dental Examiners	16
10	Human Resources	Dietetics/Nutrition	17
11	Insurance	Electrical Contractors	18
12	Justice	Electrolysis	19
13	Labor	Foresters	20
14A	Crime Control & Public Safety	Geologists	21
15A	Environment, Health, and Natural Resources	Hearing Aid Dealers and Fitters	22
16	Public Education	Landscape Architects	26
17	Revenue	Landscape Contractors	28
18	Secretary of State	Marital and Family Therapy	31
19A	Transportation	Medical Examiners	32
20	Treasurer	Midwifery Joint Committee	33
*21	Occupational Licensing Boards	Mortuary Science	34
22	Administrative Procedures	Nursing	36
23	Community Colleges	Nursing Home Administrators	37
24	Independent Agencies	Occupational Therapists	38
25	State Personnel	Opticians	40
26	Administrative Hearings	Optometry	42
27	NC State Bar	Osteopathic Examination & Reg. (Repealed)	44
		Pastoral Counselors, Fee-Based Practicing	45
		Pharmacy	46
		Physical Therapy Examiners	48
		Plumbing, Heating & Fire Sprinkler Contractors	50
		Podiatry Examiners	52
		Professional Counselors	53
		Practicing Psychologists	54
		Professional Engineers & Land Surveyors	56
		Real Estate Appraisal Board	57
		Real Estate Commission	58
		Refrigeration Examiners	60
		Sanitarian Examiners	62
		Social Work Certification	63
		Soil Scientists	69
		Speech & Language Pathologists & Audiologists	64
		Substance Abuse Professionals	68
		Therapeutic Recreation Certification	65
		Veterinary Medical Board	66

Note: Title 21 contains the chapters of the various occupational licensing boards.

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Action	Date								

This index provides information related to notices, rules and other documents published in the Register. The information provided below includes notices and rules published on or after December 1, 1995 and will be cumulative through March 1997. For assistance contact the Rules Division at 919/733-2678.

Fiscal Note: S = Rule affects the expenditure or distribution of state funds. L = Rule affects the expenditure or distribution of local government funds. SE = Rule has a substantial economic impact of at least \$5,000,000 in a 12-month period. * = Rule-making agency has determined that the rule does not impact state or local funds and does not have a substantial economic impact. See G.S. 150B-21.4.

ACUPUNCTURE LICENSING BOARD

21 NCAC 01 .0101	11:18 NCR 1368	10:22 NCR 2860	Temp. Expired						
21 NCAC 01 .0301		10:16 NCR 2027	*	Approve	01/16/97	*			
21 NCAC 01 .0702		10:16 NCR 2027	*	Approve	01/16/97	*			
21 NCAC 01 .0703		10:16 NCR 2027	*	Approve	01/16/97	*			
21 NCAC 01 .0704		10:16 NCR 2027	*	Approve	01/16/97	*			
21 NCAC 01 .0705	10:17 NCR 2228	10:22 NCR 2834	*	Approve	04/18/96	*			
21 NCAC 01 .0709	10:17 NCR 2228	10:22 NCR 2834	*	Approve	04/18/96	*			
21 NCAC 01 .0710		10:16 NCR 2027	*	Approve	01/16/97	*			
21 NCAC 01 .0711		10:16 NCR 2027	*	Approve	01/16/97	*			

ADMINISTRATIVE HEARINGS

Hearings Division									
26 NCAC 03 .0301	11:03 NCR 110	11:09 NCR 588	*	Approve	10/17/96				
26 NCAC 03 .0302	11:03 NCR 110	11:09 NCR 588	*	Approve	10/17/96				
26 NCAC 03 .0303	11:03 NCR 110	11:09 NCR 588	*	Approve	10/17/96				
26 NCAC 03 .0304	11:03 NCR 110	11:09 NCR 588	*	Approve	10/17/96				
26 NCAC 03 .0305	11:03 NCR 110	11:09 NCR 588	*	Approve	10/17/96				
Rules Division									
26 NCAC 02C	11:19 NCR 1413	11:13 NCR 1058	*	Approve	12/19/96				
26 NCAC 02C .0102	11:09 NCR 570	11:13 NCR 1058	*	Approve	12/19/96	*			
26 NCAC 02C .0103	11:09 NCR 570	11:13 NCR 1058	*	Approve	12/19/96				
26 NCAC 02C .0111	11:09 NCR 570	11:13 NCR 1058	*	Approve	12/19/96				
26 NCAC 02C .0307	11:09 NCR 570	11:13 NCR 1058	*	Approve	12/19/96	*			

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					Action	Date				
26 NCAC 02C .0401	11:09 NCR 570		11:13 NCR 1058	*	Approve	12/19/96	*			11:20 NCR 1569
26 NCAC 02C .0502	11:09 NCR 570		11:13 NCR 1058	*	Approve	12/19/96	*			11:20 NCR 1569
ADMINISTRATION										
1 NCAC 39 .0101	10:16A NCR 1672		11:14 NCR 1111	*						
1 NCAC 39 .0201	10:16A NCR 1672		11:14 NCR 1111	*						
State Building Commission										
1 NCAC 30G .0101		11:04 NCR 194	11:19 NCR 1414	*						
1 NCAC 30G .0102		11:04 NCR 194	11:19 NCR 1414	*						
1 NCAC 30G .0103		11:04 NCR 194	11:19 NCR 1414	*						
1 NCAC 30G .0104		11:04 NCR 194	11:19 NCR 1414	S/L						
1 NCAC 30G .0105		11:04 NCR 194	11:19 NCR 1414	S/L						
AGRICULTURE										
2 NCAC 09C .0701	10:24 NCR 3056	11:05 NCR 282	11:06 NCR 324	*	Approve	12/19/96				11:20 NCR 1569
2 NCAC 09C .0702	10:24 NCR 3056	11:05 NCR 282	11:06 NCR 324	*	Approve	12/19/96				11:20 NCR 1569
2 NCAC 09C .0704	10:24 NCR 3056	11:05 NCR 282	11:06 NCR 324	*	Approve	12/19/96				11:20 NCR 1569
2 NCAC 48A .0206	10:24 NCR 3056		11:06 NCR 324	*	Ext. Review	12/19/96	*			11:22 NCR 0000
2 NCAC 48A .0211	10:24 NCR 3056		11:06 NCR 324	*	Approve	01/16/97				11:22 NCR 0000
2 NCAC 48A .0214	10:24 NCR 3056		11:06 NCR 324	*	Ext. Review	12/19/96				11:22 NCR 0000
2 NCAC 48A .1103	10:24 NCR 3056		11:06 NCR 324	*	Approve	01/16/97				11:20 NCR 1569
2 NCAC 48A .1110	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96	*			11:20 NCR 1569
2 NCAC 48B .0112	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96				11:20 NCR 1569
2 NCAC 48B .0114	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96				11:20 NCR 1569
2 NCAC 48B .0119	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96				11:20 NCR 1569
2 NCAC 48B .0120	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96	*			11:20 NCR 1569
2 NCAC 52B .0200	11:14 NCR 1107		11:06 NCR 324	*						11:20 NCR 1569
2 NCAC 52B .0201	10:24 NCR 3056		11:06 NCR 324	*						11:20 NCR 1569
2 NCAC 52B .0300	11:14 NCR 1107				Approve	12/19/96				

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2 NCAC 52C .0700 11:14 NCR 1107

Marketing Authority

2 NCAC 43F 11:14 NCR 1107
 2 NCAC 43H 11:14 NCR 1107
 2 NCAC 43L 11:14 NCR 1107

Plant Conservation Board

2 NCAC 48F .0301 11:07 NCR 407
 2 NCAC 48F .0302 11:07 NCR 407
 2 NCAC 48F .0304 11:07 NCR 407
 2 NCAC 48F .0305 11:07 NCR 407
 2 NCAC 48F .0306 11:07 NCR 407

Structural Pest Control

2 NCAC 34 .0503 11:21 NCR 1651
 2 NCAC 34 .0602 11:21 NCR 1651
 2 NCAC 34 .0604 11:21 NCR 1651
 2 NCAC 34 .0605 11:21 NCR 1651

AUCTIONEERS LICENSING BOARD

21 NCAC 04B .0202 11:18 NCR 1368

COMMERCE

4 NCAC 01E 11:09 NCR 569
 4 NCAC 01F 11:09 NCR 569
 4 NCAC 01H 11:09 NCR 569
 4 NCAC 01I 11:09 NCR 569
 4 NCAC 01J 11:09 NCR 569
 4 NCAC 01K 11:09 NCR 569

Community Assistance

4 NCAC 01K .0501 11:09 NCR 569
 4 NCAC 01K .0502 11:09 NCR 569

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					Action	Date				
4 NCAC 19L.1702	11:09 NCR 569				11:14 NCR 1113	*				
4 NCAC 19L.1703	11:09 NCR 569				11:14 NCR 1113	*				
4 NCAC 19L.1801	11:09 NCR 569				11:14 NCR 1113	*				
4 NCAC 19L.1802	11:09 NCR 569				11:14 NCR 1113	*				
4 NCAC 19L.1803	11:09 NCR 569				11:14 NCR 1113	*				
4 NCAC 19L.1804	11:09 NCR 569				11:14 NCR 1113	*				
4 NCAC 19L.1805	11:09 NCR 569				11:14 NCR 1113	*				
4 NCAC 19L.1900	11:09 NCR 569				11:14 NCR 1113	*				
Credit Union Division										
4 NCAC 06C.0205	10:18 NCR 2398									
4 NCAC 06C.0407	10:18 NCR 2398									
4 NCAC 06C.0409	10:18 NCR 2398									
Energy										
4 NCAC 12C.0007					Approve	07/18/96				
State Ports Authority										
4 NCAC 13A.0101	10:24 NCR 3056				11:13 NCR 1040	*				
4 NCAC 13A.0102	10:24 NCR 3056				11:13 NCR 1040	*				
4 NCAC 13A.0105	10:24 NCR 3056				11:13 NCR 1040	*				
4 NCAC 13A.0202	10:24 NCR 3056				11:13 NCR 1040	*				
4 NCAC 13A.0203	10:24 NCR 3056				11:13 NCR 1040	*				
4 NCAC 13A.0204	10:24 NCR 3056				11:13 NCR 1040	*				
4 NCAC 13B.0001	10:24 NCR 3056				11:13 NCR 1040	*				
4 NCAC 13B.0002	10:24 NCR 3056				11:13 NCR 1040	*				
4 NCAC 13B.0003	10:24 NCR 3056				11:13 NCR 1040	*				
4 NCAC 13B.0004	10:24 NCR 3056				11:13 NCR 1040	*				
4 NCAC 13B.0005	10:24 NCR 3056				11:13 NCR 1040	*				
4 NCAC 13C.0001	10:24 NCR 3056				11:13 NCR 1040	*				
4 NCAC 13D.0101	10:24 NCR 3056				11:13 NCR 1040	*				

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					Action	Date				
4 NCAC 13E.0101		10:24 NCR 3056				11:13 NCR 1040	*			
4 NCAC 13E.0102		10:24 NCR 3056				11:13 NCR 1040	*			
4 NCAC 13E .0103		10:24 NCR 3056				11:13 NCR 1040	*			
4 NCAC 13E .0201		10:24 NCR 3056				11:13 NCR 1040	*			
4 NCAC 13E .0202		10:24 NCR 3056				11:13 NCR 1040	*			
4 NCAC 13E .0301		10:24 NCR 3056				11:13 NCR 1040	*			
4 NCAC 13E .0302		10:24 NCR 3056				11:13 NCR 1040	*			
4 NCAC 13E .0401		10:24 NCR 3056				11:13 NCR 1040	*			
4 NCAC 13E .0402		10:24 NCR 3056				11:13 NCR 1040	*			
4 NCAC 13E .0403		10:24 NCR 3056				11:13 NCR 1040	*			
4 NCAC 13E .0404		10:24 NCR 3056				11:13 NCR 1040	*			
4 NCAC 13E .0405		10:24 NCR 3056				11:13 NCR 1040	*			
4 NCAC 13E .0501		10:24 NCR 3056				11:13 NCR 1040	*			
4 NCAC 13E .0502		10:24 NCR 3056				11:13 NCR 1040	*			
4 NCAC 13E .0601		10:24 NCR 3056				11:13 NCR 1040	*			
4 NCAC 13E .0602		10:24 NCR 3056				11:13 NCR 1040	*			
4 NCAC 13E .0603		10:24 NCR 3056				11:13 NCR 1040	*			
4 NCAC 13E .0701		10:24 NCR 3056				11:13 NCR 1040	*			
4 NCAC 13E .0702		10:24 NCR 3056				11:13 NCR 1040	*			
4 NCAC 13E .0801		10:24 NCR 3056				11:13 NCR 1040	*			
4 NCAC 13E .0803		10:24 NCR 3056				11:13 NCR 1040	*			
4 NCAC 13E .0901		10:24 NCR 3056				11:13 NCR 1040	*			
4 NCAC 13E .0902		10:24 NCR 3056				11:13 NCR 1040	*			
4 NCAC 13F .0301		10:24 NCR 3056				11:13 NCR 1040	*			
4 NCAC 13F .0302		10:24 NCR 3056				11:13 NCR 1040	*			

COMMUNITY COLLEGES

23 NCAC 01A.0001 11:18 NCR 1369

23 NCAC 01B.0001

Approve 01/16/97

11:22 NCR 0000 Notice Not Required

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					Action	Date				
23 NCAC 01B.0004					Approve	01/16/97			11:22 NCR 0000	Notice Not Required
23 NCAC 01B.0005					Approve	01/16/97			11:22 NCR 0000	Notice Not Required
23 NCAC 01B.0008					Approve	01/16/97			11:22 NCR 0000	Notice Not Required
23 NCAC 02C.0108		11:18 NCR 1369								
23 NCAC 02C.0202		11:18 NCR 1369								
23 NCAC 02C.0207		11:18 NCR 1369								
23 NCAC 02C.0304					Object	01/16/97				Notice Not Required
23 NCAC 02C.0305		11:18 NCR 1369								
23 NCAC 02C.0604		11:18 NCR 1369								
23 NCAC 02C.0701		11:18 NCR 1369								
23 NCAC 02D.0103		11:18 NCR 1369								
23 NCAC 02D.0104					Approve	01/16/97				
23 NCAC 02D.0201		11:18 NCR 1369								
23 NCAC 02D.0202		11:17 NCR 1336								
23 NCAC 02D.0202		11:18 NCR 1369								
23 NCAC 02D.0203		11:18 NCR 1369								
23 NCAC 02D.0301		11:18 NCR 1369								
23 NCAC 02D.0323		11:18 NCR 1369								
23 NCAC 02D.0324		11:18 NCR 1369								
23 NCAC 02D.0325		10:24 NCR 3058					11:09 NCR 585			*
23 NCAC 02D.0327		11:18 NCR 1369								
23 NCAC 02E.0101		11:18 NCR 1369								
23 NCAC 02E.0102		11:18 NCR 1369								
23 NCAC 02E.0201		11:18 NCR 1369								
23 NCAC 02E.0203		10:24 NCR 3058					11:09 NCR 585			*
23 NCAC 02E.0203		11:18 NCR 1369								
23 NCAC 02E.0204		11:18 NCR 1369								
					Object	01/16/97				Notice Not Required

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23 NCAC 02E .0205		11:18 NCR 1369								
23 NCAC 02E .0501		11:18 NCR 1369								
23 NCAC 02E .0604		11:18 NCR 1369								
23 NCAC 03A .0113	10:24 NCR 3058		11:09 NCR 585	*	Approve	11/21/96	*		11:19 NCR 1449	
CULTURAL RESOURCES										
USS North Carolina Battleship Commission										
7 NCAC 05 .0202	10:18 NCR 2398		11:04 NCR 188	*	Approve	12/19/96			11:20 NCR 1569	
7 NCAC 05 .0203	10:18 NCR 2398		11:04 NCR 188	*	Approve	12/19/96			11:20 NCR 1569	
7 NCAC 05 .0203		11:19 NCR 1436								
7 NCAC 05 .0204	10:18 NCR 2398		11:04 NCR 188	*	Approve	12/19/96			11:20 NCR 1569	
7 NCAC 05 .0207	10:18 NCR 2398		11:04 NCR 188	*	Approve	12/19/96			11:20 NCR 1569	
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21 NCAC 16B .0303		11:20 NCR 1538								
21 NCAC 161 .0001		11:20 NCR 1538								
21 NCAC 161 .0002		11:20 NCR 1538								
21 NCAC 161 .0003		11:20 NCR 1538								
21 NCAC 161 .0004		11:20 NCR 1538								
21 NCAC 161 .0005		11:20 NCR 1538								
21 NCAC 16M .0001		11:20 NCR 1538								
21 NCAC 16R .0001		11:20 NCR 1538								
21 NCAC 16R .0002		11:20 NCR 1538								
21 NCAC 16R .0003		11:20 NCR 1538								
21 NCAC 16R .0004		11:20 NCR 1538								
21 NCAC 16R .0005		11:20 NCR 1538								
21 NCAC 16V .0101	10:16 NCR 2043						11:20 NCR 1556	*		Notice Subject Matter
21 NCAC 16V .0102	10:16 NCR 2043						11:20 NCR 1556	*		Notice Subject Matter
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15A Public Notice										

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11:09 NCR 590										
15A Public Notice										
15A NCAC 01K		10:19 NCR 2506								
15A NCAC 01M .0101					11:06 NCR 368					
15A NCAC 01M .0101					11:19 NCR 1439					
15A NCAC 01M .0102					11:06 NCR 368					
15A NCAC 01M .0102					11:19 NCR 1439					
15A NCAC 01M .0102					11:19 NCR 1439					
15A NCAC 01M .0201					11:06 NCR 368					
15A NCAC 01M .0201					11:19 NCR 1439					
15A NCAC 01M .0202					11:06 NCR 368					
15A NCAC 01M .0202					11:19 NCR 1439					
15A NCAC 01M .0301					11:06 NCR 368					
15A NCAC 01M .0301					11:19 NCR 1439					
15A NCAC 01M .0302					11:06 NCR 368					
15A NCAC 01M .0302					11:19 NCR 1439					
15A NCAC 01M .0302					11:06 NCR 368					
15A NCAC 01M .0303					11:19 NCR 1439					
15A NCAC 01M .0303					11:06 NCR 368					
15A NCAC 01M .0303					11:19 NCR 1439					
15A NCAC 01M .0304					11:06 NCR 368					
15A NCAC 01M .0304					11:19 NCR 1439					
15A NCAC 01M .0305					11:06 NCR 368					
15A NCAC 01M .0305					11:19 NCR 1439					
15A NCAC 01M .0306					11:06 NCR 368					
15A NCAC 01M .0306					11:19 NCR 1439					
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15A NCAC 07		11:04 NCR 183								
15A NCAC 07H .0104		10:24 NCR 3045			11:07 NCR 409	*		Object Approve	11/21/96 12/19/96	*
15A NCAC 07H .0106		10:16 NCR 1921			11:04 NCR 190	*		Approve	09/19/96	*
15A NCAC 07H .0106		11:19 NCR 1408			11:11 NCR 907	*				
15A NCAC 07H .0208		11:04 NCR 183								

11:09 NCR 575
11:20 NCR 1569

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15A NCAC 07H.0208	11:19 NCR 1408				*					11:09 NCR 575
15A NCAC 07H.0304	10:24 NCR 3045									11:20 NCR 1569
15A NCAC 07H.0304	11:15 NCR 1200	11:15 NCR 1226								
15A NCAC 07H.0305	11:15 NCR 1200	11:15 NCR 1226								
15A NCAC 07H.0306	11:04 NCR 183				11:11 NCR 907	*				
15A NCAC 07H.0309	11:08 NCR 442				11:12 NCR 981	*				11:22 NCR 0000
15A NCAC 07H..1104	11:04 NCR 183				11:11 NCR 907	*				
15A NCAC 07H.1202	11:04 NCR 183				11:11 NCR 907	*				
15A NCAC 07H.1204	11:04 NCR 183				11:11 NCR 907	*				
15A NCAC 07H.1205	11:04 NCR 183				11:11 NCR 907	*				
15A NCAC 07H.1304	11:04 NCR 183				11:11 NCR 907	*				
15A NCAC 07H.1404	11:04 NCR 183				11:11 NCR 907	*				
15A NCAC 07H.1504	11:04 NCR 183				11:11 NCR 907	*				
15A NCAC 07H.1600	11:15 NCR 1200				11:11 NCR 907	*				
15A NCAC 07H.1704	11:04 NCR 183				11:11 NCR 907	*				
15A NCAC 07H.1804	11:04 NCR 183				11:11 NCR 907	*				
15A NCAC 07H.1904	11:04 NCR 183				11:11 NCR 907	*				
15A NCAC 07H.2004	11:04 NCR 183				11:11 NCR 907	*				
15A NCAC 07H.2104	11:04 NCR 183				11:11 NCR 907	*				
15A NCAC 07J.0102	10:24 NCR 3045				11:04 NCR 190	*				11:19 NCR 1449
15A NCAC 07K..0203	11:04 NCR 183				11:11 NCR 907	*				
15A NCAC 07M.0301	10:16B NCR 1921				11:11 NCR 907	*				
15A NCAC 07M.0302	10:16B NCR 1921				11:11 NCR 907	*				
15A NCAC 07M..0303	10:16B NCR 1921				11:11 NCR 907	*				
15A NCAC 07M.0304	10:16B NCR 1921				11:11 NCR 907	*				
15A NCAC 07M.0305	10:16B NCR 1921				11:11 NCR 907	*				
15A NCAC 07M.0307	10:16B NCR 1921				11:11 NCR 907	*				

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15A NCAC 02B .0308	11:20 NCR 1534									11:19 NCR 1449
15A NCAC 02B .0315	11:02 NCR 75									
15A NCAC 02B .0316	11:20 NCR 1534		11:09 NCR 572	L	Approve	11/21/96	*			
15A NCAC 02C .0211										Notice Not Required
15A NCAC 02C .0213										Notice Not Required
15A NCAC 02C .0214										Notice Not Required
15A NCAC 02D .0101	11:15 NCR 1200									
15A NCAC 02D .0104	11:15 NCR 1200									
15A NCAC 02D .0105	11:15 NCR 1200									
15A NCAC 02D .0108	11:15 NCR 1200									
15A NCAC 02D .0202	11:15 NCR 1200									
15A NCAC 02D .0302	11:15 NCR 1200									
15A NCAC 02D .0307	11:15 NCR 1200									
15A NCAC 02D .0501	11:15 NCR 1200									
15A NCAC 02D .0518	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96				
15A NCAC 02D .0518	11:19 NCR 1408									
15A NCAC 02D .0521	11:15 NCR 1200									
15A NCAC 02D .0524	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96	*			
15A NCAC 02D .0524	11:15 NCR 1200									
15A NCAC 02D .0525	11:15 NCR 1200									
15A NCAC 02D .0530	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96				
15A NCAC 02D .0531	11:15 NCR 1200									
15A NCAC 02D .0535	10:18 NCR 2317									
15A NCAC 02D .0610	11:15 NCR 1200									
15A NCAC 02D .0902	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96				
15A NCAC 02D .0902	11:19 NCR 1408									
15A NCAC 02D .0907	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96				
15A NCAC 02D .0909	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96				

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15A NCAC 02D .0909	11:19 NCR 1408									11:19 NCR 1449
15A NCAC 02D .0910	10:24 NCR 3045		11:08 NCR 472	*						11:19 NCR 1449
15A NCAC 02D .0911	10:24 NCR 3045		11:08 NCR 472	*						11:19 NCR 1449
15A NCAC 02D .0912	11:15 NCR 1200									
15A NCAC 02D .0917	11:19 NCR 1408									
15A NCAC 02D .0918	11:19 NCR 1408									
15A NCAC 02D .0919	11:19 NCR 1408									
15A NCAC 02D .0920	11:19 NCR 1408									
15A NCAC 02D .0921	11:19 NCR 1408									
15A NCAC 02D .0922	11:19 NCR 1408									
15A NCAC 02D .0923	11:19 NCR 1408									
15A NCAC 02D .0924	11:19 NCR 1408									
15A NCAC 02D .0934	11:19 NCR 1408									
15A NCAC 02D .0946	10:24 NCR 4045									
15A NCAC 02D .0948	11:19 NCR 1408									
15A NCAC 02D .0949	11:19 NCR 1408									
15A NCAC 02D .0950	11:19 NCR 1408									
15A NCAC 02D .0951	11:19 NCR 1408									
15A NCAC 02D .0953	11:15 NCR 1200									
15A NCAC 02D .0954	10:24 NCR 4045									
15A NCAC 02D .0954	11:15 NCR 1200									
15A NCAC 02D .1005	11:15 NCR 1200									
15A NCAC 02D .1100	11:08 NCR 4412									
15A NCAC 02D .1107	11:15 NCR 1200									
15A NCAC 02D .1110	10:24 NCR 4045									
15A NCAC 02D .1111	10:24 NCR 4045									
15A NCAC 02D .1201	10:24 NCR 3045									
15A NCAC 02D .1202	10:24 NCR 3045									

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15A NCAC 02B .0308	11:20 NCR 1534									11:19 NCR 1449
15A NCAC 02B .0315	11:02 NCR 75									
15A NCAC 02B .0316	11:20 NCR 1534		11:09 NCR 572	L	Approve	11/21/96	*			
15A NCAC 02C .0211					Approve	01/16/97				11:22 NCR 0000 Notice Not Required
15A NCAC 02C .0213					Approve	01/16/97				11:22 NCR 0000 Notice Not Required
15A NCAC 02C .0214					Approve	01/16/97				11:22 NCR 0000 Notice Not Required
15A NCAC 02D .0101	11:15 NCR 1200									
15A NCAC 02D .0104	11:15 NCR 1200									
15A NCAC 02D .0105	11:15 NCR 1200									
15A NCAC 02D .0108	11:15 NCR 1200									
15A NCAC 02D .0202	11:15 NCR 1200									
15A NCAC 02D .0302	11:15 NCR 1200									
15A NCAC 02D .0307	11:15 NCR 1200									
15A NCAC 02D .0501	11:15 NCR 1200									
15A NCAC 02D .0518	10:24 NCR 3045				11:08 NCR 472	*				11:19 NCR 1449
15A NCAC 02D .0518	11:19 NCR 1408									
15A NCAC 02D .0521	11:15 NCR 1200									
15A NCAC 02D .0524	10:24 NCR 3045				11:08 NCR 472	*				11:19 NCR 1449
15A NCAC 02D .0524	11:15 NCR 1200									
15A NCAC 02D .0525	11:15 NCR 1200									
15A NCAC 02D .0530	10:24 NCR 3045				11:08 NCR 472	*				11:19 NCR 1449
15A NCAC 02D .0531	11:15 NCR 1200									
15A NCAC 02D .0535	10:18 NCR 2317				11:16 NCR 1271	*				11:19 NCR 1449
15A NCAC 02D .0610	11:15 NCR 1200									
15A NCAC 02D .0902	10:24 NCR 3045				11:08 NCR 472	*				11:19 NCR 1449
15A NCAC 02D .0902	11:19 NCR 1408									
15A NCAC 02D .0907	10:24 NCR 3045				11:08 NCR 472	*				11:19 NCR 1449
15A NCAC 02D .0909	10:24 NCR 3045				11:08 NCR 472	*				11:19 NCR 1449

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15A NCAC 02D.0909	11:19 NCR 1408								11:19 NCR 1449
15A NCAC 02D.0910	10:24 NCR 3045		11:08 NCR 472	*		Approve		11/21/96	11:19 NCR 1449
15A NCAC 02D.0911	10:24 NCR 3045		11:08 NCR 472	*		Approve		11/21/96	11:19 NCR 1449
15A NCAC 02D.0912	11:15 NCR 1200								
15A NCAC 02D.0917	11:19 NCR 1408								
15A NCAC 02D.0918	11:19 NCR 1408								
15A NCAC 02D.0919	11:19 NCR 1408								
15A NCAC 02D.0920	11:19 NCR 1408								
15A NCAC 02D.0921	11:19 NCR 1408								
15A NCAC 02D.0922	11:19 NCR 1408								
15A NCAC 02D.0923	11:19 NCR 1408								
15A NCAC 02D.0924	11:19 NCR 1408								
15A NCAC 02D.0934	11:19 NCR 1408								
15A NCAC 02D.0946	10:24 NCR 3045								
15A NCAC 02D.0948	11:19 NCR 1408								
15A NCAC 02D.0949	11:19 NCR 1408								
15A NCAC 02D.0950	11:19 NCR 1408								
15A NCAC 02D.0951	11:19 NCR 1408								
15A NCAC 02D.0953	11:15 NCR 1200								
15A NCAC 02D.0954	10:24 NCR 3045								
15A NCAC 02D.1107	11:15 NCR 1200								
15A NCAC 02D.1110	10:24 NCR 3045								
15A NCAC 02D.1111	10:24 NCR 3045								
15A NCAC 02D.1201	10:24 NCR 3045								
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15A NCAC 02D.1203	10:24 NCR 3045				11:16 NCR 1271	LSE		
15A NCAC 02D.1203	11:15 NCR 1200				11:16 NCR 1271	LSE		
15A NCAC 02D.1204	10:24 NCR 3045				11:16 NCR 1271	LSE		
15A NCAC 02D.1205	10:24 NCR 3045				11:16 NCR 1271	LSE		
15A NCAC 02D.1206	10:24 NCR 3045				11:16 NCR 1271	LSE		
15A NCAC 02D.1207	10:24 NCR 3045				11:16 NCR 1271	LSE		
15A NCAC 02D.1208	10:24 NCR 3045				11:16 NCR 1271	LSE		
15A NCAC 02D.1209	10:24 NCR 3045				11:16 NCR 1271	LSE		
15A NCAC 02D.1402	10:24 NCR 3045			*	11:08 NCR 472	Approve	11:21/96	11:19 NCR 1449
15A NCAC 02D.1403	10:24 NCR 3045			*	11:08 NCR 472	Approve	11:21/96	11:19 NCR 1449
15A NCAC 02D.1500	11:19 NCR 1408							
15A NCAC 02D.1902	11:19 NCR 1408							
15A NCAC 02D.1903	11:19 NCR 1408							
15A NCAC 02D.2200	11:15 NCR 1200							
15A NCAC 02H.0225	11:15 NCR 1200		11:15 NCR 1225		11:20 NCR 1550	*		
15A NCAC 02H.0610	11:08 NCR 442							
15A NCAC 02H.1202	11:15 NCR 1200							
15A NCAC 02H.1203	11:15 NCR 1200							
15A NCAC 02H.1204	11:15 NCR 1200							
15A NCAC 02H.1205	11:15 NCR 1200							
15A NCAC 02L	11:15 NCR 1200							
15A NCAC 02L.0106					10:19 NCR 2508	11:21 NCR 1639	*	
15A NCAC 02L.0115	11:15 NCR 1200				11:21 NCR 1639		L	
15A NCAC 02L.0202	10:20 NCR 2591							
15A NCAC 02N	11:15 NCR 1200							
15A NCAC 02N	11:15 NCR 1204							
15A NCAC 02N.0701	11:15 NCR 1200							
15A NCAC 02N.0707	11:15 NCR 1204							

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15A NCAC 02P	11:15 NCR 1200						*			
15A NCAC 02P .0402	11:15 NCR 1204	10:19 NCR 2512	11:21 NCR 1639							
15A NCAC 02Q .0102			11:06 NCR 350	*						
15A NCAC 02Q .0102	10:24 NCR 2400	11:08 NCR 472	S/L		Approve	11/21/96	*			11:19 NCR 1449
15A NCAC 02Q .0102	11:19 NCR 1408									
15A NCAC 02Q .0104	10:24 NCR 2400	11:08 NCR 472		*	Approve	11/21/96	*			11:19 NCR 1449
15A NCAC 02Q .0107	10:18 NCR 2400	11:08 NCR 472		*	Approve	11/21/96				11:19 NCR 1449
15A NCAC 02Q .0207	11:19 NCR 1408									
15A NCAC 02Q .0312	10:24 NCR 3045	11:16 NCR 1271		*						
15A NCAC 02Q .0313	10:24 NCR 3045	11:16 NCR 1271		*						
15A NCAC 02Q .0507	10:24 NCR 2400	11:08 NCR 472	S/L		Approve	11/21/96				11:19 NCR 1449
15A NCAC 02Q .0512	10:24 NCR 2400	11:08 NCR 472	S/L		Approve	11/21/96				11:19 NCR 1449
15A NCAC 02Q .0514	10:24 NCR 2400	11:08 NCR 472	S/L		Approve	11/21/96				11:19 NCR 1449
15A NCAC 02Q .0515	10:24 NCR 2400	11:08 NCR 472	S/L		Approve	11/21/96				11:19 NCR 1449
15A NCAC 02Q .0517	10:24 NCR 2400	11:08 NCR 472	S/L		Approve	11/21/96				11:19 NCR 1449
15A NCAC 02Q .0525	10:24 NCR 3045	11:16 NCR 1271		*						
15A NCAC 02Q .0527	10:24 NCR 3045	11:16 NCR 1271		*						
15A NCAC 02Q .0607	10:24 NCR 3045	11:16 NCR 1271		*						
15A NCAC 02Q .0700	11:08 NCR 442									
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NPDES Permits										11:07 NCR 406
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15A NCAC 13A .0101	11:16 NCR 1269									
15A NCAC 13A .0105	11:16 NCR 1269									
15A NCAC 13A .0107	11:16 NCR 1269									
15A NCAC 13A .0111	11:16 NCR 1269									
15A NCAC 13A .0112	11:16 NCR 1269									
15A NCAC 13A .0119	11:16 NCR 1269									

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15A NCAC 13B.1627	11:08 NCR 442			*						
15A NCAC 13B.1800	11:08 NCR 442									
15A NCAC 13C.0301	10:18 NCR 2317			11:06 NCR 357	*		Approve	09/19/96	*	11:14 NCR 1156
15A NCAC 13C.0302	10:18 NCR 2317			11:06 NCR 357	*		Object	09/19/96		11:19 NCR 1449
							Approve	11/21/96	*	
15A NCAC 13C.0303	10:18 NCR 2317			11:06 NCR 357	*		Approve	09/19/96	*	11:14 NCR 1156
15A NCAC 13C.0304	10:18 NCR 2317			11:06 NCR 357	*		Approve	11/21/96	*	11:19 NCR 1449
15A NCAC 13C.0305	10:18 NCR 2317			11:06 NCR 357	*		Approve	09/19/96	*	11:14 NCR 1156
15A NCAC 13C.0306	10:18 NCR 2317			11:06 NCR 357	*		Object	09/19/96		11:19 NCR 1449
							Approve	11/21/96	*	
15A NCAC 13C.0307	10:18 NCR 2317			11:06 NCR 357	*		Approve	09/19/96	*	11:14 NCR 1156
15A NCAC 13C.0308	10:18 NCR 2317			11:06 NCR 357	*		Approve	09/19/96	*	11:14 NCR 1156
15A NCAC 18A	11:04 NCR 183									
15A NCAC 18A.0134	11:08 NCR 442			11:12 NCR 987	*		Object	12/19/96	*	11:22 NCR 0000
							Approve	01/16/97		
15A NCAC 18A.0134							Approve	01/16/97		11:22 NCR 0000
15A NCAC 18A.0136	11:08 NCR 442			11:12 NCR 987	*		Approve	12/19/96		11:20 NCR 1569
15A NCAC 18A.0137	11:08 NCR 442			11:12 NCR 987	*		Approve	12/19/96		11:20 NCR 1569
15A NCAC 18A.0159	11:08 NCR 442			11:12 NCR 987	*		Approve	12/19/96		11:20 NCR 1569
15A NCAC 18A.0168	11:08 NCR 442			11:12 NCR 987	*		Object	12/19/96	*	11:22 NCR 0000
							Approve	01/16/97		
15A NCAC 18A.0168							Approve	01/16/97		11:22 NCR 0000
15A NCAC 18A.0169	11:08 NCR 442			11:12 NCR 987	*		Approve	12/19/96	*	11:20 NCR 1569
15A NCAC 18A.0173	11:08 NCR 442			11:12 NCR 987	*		Approve	12/19/96		11:20 NCR 1569
15A NCAC 18A.0174	11:08 NCR 442			11:12 NCR 987	*		Approve	12/19/96		11:20 NCR 1569
15A NCAC 18A.0175	11:08 NCR 442			11:12 NCR 987	*		Approve	12/19/96		11:20 NCR 1569
15A NCAC 18A.0176	11:08 NCR 442			11:12 NCR 987	*		Object	12/19/96		11:22 NCR 0000
							Approve	01/16/97		
15A NCAC 18A.0182	11:08 NCR 442			11:12 NCR 987	*		Approve	12/19/96		11:22 NCR 0000
15A NCAC 18A.0183	11:08 NCR 442			11:12 NCR 987	*		Object	01/16/97		11:22 NCR 0000
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15A NCAC 18A .0184	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96				11:20 NCR 1569
15A NCAC 18A .0185	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				11:22 NCR 0000
15A NCAC 18A .0186	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97				11:20 NCR 1569
15A NCAC 18A .0187	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96				
15A NCAC 18A .0301	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				11:22 NCR 0000
15A NCAC 18A .0301					Approve	01/16/97	*			
15A NCAC 18A .0302	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				11:22 NCR 0000
15A NCAC 18A .0401	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97	*			11:22 NCR 0000
15A NCAC 18A .0421	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				11:20 NCR 1569
15A NCAC 18A .0424	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96	*			11:20 NCR 1569
15A NCAC 18A .0425	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96				11:20 NCR 1569
15A NCAC 18A .0614	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*			11:22 NCR 0000
15A NCAC 18A .0614					Approve	01/16/97				11:20 NCR 1569
15A NCAC 18A .0615	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97				11:22 NCR 0000
15A NCAC 18A .0616	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96				11:20 NCR 1569
15A NCAC 18A .0617	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96	*			11:20 NCR 1569
15A NCAC 18A .0618	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				11:22 NCR 0000
15A NCAC 18A .0618					Approve	01/16/97				11:22 NCR 0000
15A NCAC 18A .0620	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96				11:20 NCR 1569
15A NCAC 18A .0621	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				11:22 NCR 0000
15A NCAC 18A .0901	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97				11:22 NCR 0000
15A NCAC 18A .0901					Object	12/19/96	*			11:22 NCR 0000
15A NCAC 18A .1301	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97				11:22 NCR 0000
15A NCAC 18A .1301					Object	12/19/96	*			11:20 NCR 1569
15A NCAC 18A .1319	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97				11:22 NCR 0000

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15A NCAC 18A.1319 15A NCAC 18A.1805	11:04 NCR 183		11:09 NCR 576	*	Approve	01/16/97 Approve 12/19/96		11:22 NCR 0000 Notice Not Required 11:20 NCR 1569		
15A NCAC 18A.1814					Approve	04/18/96		11:04 NCR 209		
15A NCAC 18A.1937	11:19 NCR 1408		11:20 NCR 1561							
15A NCAC 18A.1938	11:19 NCR 1408		11:20 NCR 1561							
15A NCAC 18A.1958	11:19 NCR 1408		11:20 NCR 1561							
15A NCAC 18A.1961	11:19 NCR 1408		11:20 NCR 1561							
15A NCAC 18A.2601		11:01 NCR 24	11:05 NCR 273	*	Approve	10/17/96 Approve 06/20/96		11:16 NCR 1291 11:08 NCR 536		
15A NCAC 18A.2701										
15A NCAC 19A.0203	11:21 NCR 1638									
15A NCAC 20D .0243					Approve	04/18/96		11:04 NCR 209		
15A NCAC 21H .0111			11:06 NCR 371							
15A NCAC 21H .0113			11:06 NCR 371							
15A NCAC 21H .0101			11:07 NCR 422							
15A NCAC 21J .0101			11:07 NCR 422							
15A NCAC 26C .0001	11:19 NCR 1408		11:20 NCR 1552							
15A NCAC 26C .0002	11:19 NCR 1408									
15A NCAC 26C .0003	11:19 NCR 1408									
15A NCAC 26C .0004	11:19 NCR 1408									
15A NCAC 26C .0005	11:19 NCR 1408									
15A NCAC 26C .0006	11:19 NCR 1408									
15A NCAC 26C .0007	11:19 NCR 1408									
Marine Fisheries Commission										
15A NCAC 03	11:11 NCR 881									
15A NCAC 03	11:20 NCR 1537									
15A NCAC 031.0101	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96	*		11:20 NCR 1569	
15A NCAC 031.0105	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96	*		11:20 NCR 1569	
15A NCAC 031.0019			10:21 NCR 2737	*	Approve	05/16/96	*			

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					Action	Date				
15A NCAC 031.0202	11:07 NCR 407		11:11 NCR 888	*	Approve	05/16/96	*			
15A NCAC 03J .0401			10:21 NCR 2888	*	Approve					
15A NCAC 03L .0102	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96	*			11:20 NCR 1569
15A NCAC 03L .0201	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96	*			11:20 NCR 1569
15A NCAC 03M .0202	11:03 NCR 110	11:11 NCR 938		*	Approve	12/19/96	*			11:20 NCR 1569
15A NCAC 03M .0204		11:14 NCR 1153	11:18 NCR 1371	*	Approve	12/19/96	*			11:20 NCR 1569
15A NCAC 03M .0503	11:07 NCR 407		11:11 NCR 938	*	Approve	12/19/96	*			11:20 NCR 1569
15A NCAC 03M .0503		11:18 NCR 1383		*	Approve	12/19/96	*			11:20 NCR 1569
15A NCAC 03M .0504	11:03 NCR 110	11:11 NCR 938		*	Approve	12/19/96	*			11:20 NCR 1569
15A NCAC 03M .0506	11:07 NCR 407	11:14 NCR 1153	11:11 NCR 888	*	Approve	12/19/96	*			11:20 NCR 1569
15A NCAC 03M .0506		11:18 NCR 1383		*	Approve	12/19/96	*			11:20 NCR 1569
15A NCAC 03M .0507		11:11 NCR 938		*	Approve	12/19/96	*			11:20 NCR 1569
15A NCAC 03M .0511	11:03 NCR 110	11:11 NCR 938		*	Approve	12/19/96	*			11:20 NCR 1569
15A NCAC 03M .0514		11:18 NCR 1383		*	Approve	12/19/96	*			11:20 NCR 1569
15A NCAC 03R .0106	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96	*			11:20 NCR 1569
15A NCAC 03R .0107	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96	*			11:20 NCR 1569
Parks and Recreation										
15A NCAC 12B .1206	10:18 NCR 2317		11:12 NCR 985	*	Object Approve	11/21/96 12/19/96	*			11:20 NCR 1569
Soil and Water Conservation										
15A NCAC 06E .0102	11:08 NCR 442		11:12 NCR 979	*	Approve	12/19/96				11:20 NCR 1569
15A NCAC 06E .0102		11:12 NCR 1004								11:19 NCR 1442
15A NCAC 06E .0103	11:08 NCR 442		11:12 NCR 979	*	Approve	12/19/96				11:19 NCR 1442
15A NCAC 06E .0105		11:12 NCR 1004								11:19 NCR 1442
Water Pollution Control System Operators Certification Commission										
15A NCAC 08F .0101										
15A NCAC 08F .0102										
15A NCAC 08F .0103										
15A NCAC 08F .0201										

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15A NCAC 08F .0202					11:19 NCR 1442				
15A NCAC 08F .0203					11:19 NCR 1442				
15A NCAC 08F .0301					11:19 NCR 1442				
15A NCAC 08F .0401					11:19 NCR 1442				
15A NCAC 08F .0402					11:19 NCR 1442				
15A NCAC 08F .0403					11:19 NCR 1442				
15A NCAC 08F .0404					11:19 NCR 1442				
15A NCAC 08F .0405					11:19 NCR 1442				
15A NCAC 08F .0406					11:19 NCR 1442				
15A NCAC 08F .0407					11:19 NCR 1442				
15A NCAC 08F .0501					11:19 NCR 1442				
15A NCAC 08F .0502					11:19 NCR 1442				
15A NCAC 08F .0503					11:19 NCR 1442				
15A NCAC 08F .0504					11:19 NCR 1442				
15A NCAC 08F .0505					11:19 NCR 1442				
15A NCAC 08F .0506					11:19 NCR 1442				
Wildlife Resources Commission									
15A NCAC 10B .0106	11:02 NCR 76				11:08 NCR 495	*	Approve	10/17/96	*
15A NCAC 10B .0113	11:07 NCR 408				11:12 NCR 983	*	Approve	12/19/96	*
15A NCAC 10B .0115	11:07 NCR 408				11:12 NCR 984	*	Approve	12/19/96	
15A NCAC 10B .0115	11:11 NCR 882				11:18 NCR 1372	*			
15A NCAC 10B .0116	11:12 NCR 959				11:08 NCR 495	*	Approve	10/17/96	
15A NCAC 10B .0123	11:02 NCR 76				11:08 NCR 495	*	Approve	11/21/96	*
15A NCAC 10B .0203	11:02 NCR 76				11:08 NCR 495	*			
15A NCAC 10B .0208	11:02 NCR 76				11:08 NCR 495	*	Approve	11/21/96	
15A NCAC 10B .0209	11:02 NCR 76				11:08 NCR 495	*			
15A NCAC 10C .0107	11:02 NCR 76				11:08 NCR 495	*	Approve	11/21/96	
15A NCAC 10C .0205	11:02 NCR 76				11:08 NCR 495	*			

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					Action	Date				
15A NCAC 10C .0305	11:02 NCR 76		11:08 NCR 495	*	Approve	11/21/96	*			11:19 NCR 1449
15A NCAC 10C .0401	11:02 NCR 76									
15A NCAC 10C .0401	11:07 NCR 408		11:08 NCR 495	*	Approve	11/21/96	*			11:19 NCR 1449
15A NCAC 10D .0002	11:02 NCR 76		11:08 NCR 495	*	Approve	07/18/96	*			11:10 NCR 843
15A NCAC 10D .0003	11:02 NCR 76		11:08 NCR 495	*	Approve	07/18/96	*			11:10 NCR 843
15A NCAC 10F .0102	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*			11:10 NCR 843
15A NCAC 10F .0103	10:19 NCR 2506		11:01 NCR 14	*	Approve	08/15/96	*			11:12 NCR 1006
15A NCAC 10F .0104	10:19 NCR 2506		11:01 NCR 14	*	Approve	08/15/96	*			11:12 NCR 1006
15A NCAC 10F .0105	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*			11:10 NCR 843
15A NCAC 10F .0106	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*			11:10 NCR 843
15A NCAC 10F .0107	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*			11:10 NCR 843
15A NCAC 10F .0109	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*			11:10 NCR 843
15A NCAC 10F .0300	11:01 NCR 13									
15A NCAC 10F .0302	11:05 NCR 272		11:14 NCR 1150	*						
15A NCAC 10F .0303	10:24 NCR 3057		11:06 NCR 355	*	Approve	09/19/96				11:14 NCR 1156
15A NCAC 10F .0305	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96				11:10 NCR 843
15A NCAC 10F .0307	11:02 NCR 76		11:07 NCR 412	*	Approve	10/17/96				11:16 NCR 1291
15A NCAC 10F .0307	11:08 NCR 451		11:14 NCR 1150	*						
15A NCAC 10F .0308	11:21 NCR 1638									
15A NCAC 10F .0310	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96				11:10 NCR 843
15A NCAC 10F .0310	10:24 NCR 3057		11:06 NCR 355	*	Approve	09/19/96				11:14 NCR 1156
15A NCAC 10F .0317	11:13 NCR 1039		11:19 NCR 1427	*						
15A NCAC 10F .0327	11:14 NCR 1109		11:20 NCR 1551	*						
15A NCAC 10F .0339	11:13 NCR 1039		11:19 NCR 1427	*						
15A NCAC 10F .0339	11:21 NCR 1638									
15A NCAC 10F .0342	10:19 NCR 2506		11:01 NCR 14	*						
15A NCAC 10F .0348	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*			11:10 NCR 843
15A NCAC 10F .0367	11:16 NCR 1269									

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15A NCAC 10G		11:01 NCR 13						
15A NCAC 10G .0100	11:02 NCR 76							
15A NCAC 10G .0102	11:01 NCR 13	11:07 NCR 412	*	Approve	10/17/96		11:16 NCR 1291	
15A NCAC 10G .0103	11:01 NCR 13	11:07 NCR 412	*	Approve	10/17/96		11:16 NCR 1291	
15A NCAC 10G .0202	11:01 NCR 13	11:07 NCR 412	*	Approve	10/17/96		11:16 NCR 1291	
15A NCAC 10G .0203	11:01 NCR 13	11:07 NCR 412	*	Approve	10/17/96		11:16 NCR 1291	
15A NCAC 10G .0206	11:01 NCR 13	11:07 NCR 412	*	Approve	10/17/96		11:16 NCR 1291	
15A NCAC 10G .0302	11:01 NCR 13	11:07 NCR 412	*	Approve	10/17/96		11:16 NCR 1291	
15A NCAC 10G .0303	11:01 NCR 13	11:07 NCR 412	*	Approve	10/17/96		11:16 NCR 1291	
15A NCAC 10G .0401	11:01 NCR 13	11:07 NCR 412	*	Approve	10/17/96		11:16 NCR 1291	
15A NCAC 10G .0402	11:01 NCR 13	11:07 NCR 412	*	Approve	10/17/96	*	11:16 NCR 1291	
15A NCAC 10G .0403	11:01 NCR 13	11:07 NCR 412	*	Approve	10/17/96	*	11:16 NCR 1291	
15A NCAC 10G .0404	11:01 NCR 13	11:07 NCR 412	*	Approve	10/17/96	*	11:16 NCR 1291	
15A NCAC 10G .0501	11:01 NCR 13	11:07 NCR 412	*	Approve	10/17/96	*	11:16 NCR 1291	
15A NCAC 101 .0001	10:22 NCR 2829	11:04 NCR 191	*	Approve	09/19/96		11:14 NCR 1156	
15A NCAC 101 0002	11:02 NCR 76	11:08 NCR 495	*	Approve	10/17/96	*	11:16 NCR 1291	
	Wildlife Proclamation						11:03 NCR 104	
	Wildlife Proclamation						11:04 NCR 182	

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Voting Rights Act	11:01 NCR 1
Voting Rights Act	11:04 NCR 181
Voting Rights Act	11:06 NCR 315
Voting Rights Act	11:07 NCR 405
Voting Rights Act	11:13 NCR 1038
Voting Rights Act	11:16 NCR 1263
Voting Rights Act	11:18 NCR 1367
Voting Rights Act	11:20 NCR 1533

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21 NCAC 12 .0204 10:22 NCR 2829 11:06 NCR 372 11:09 NCR 583 * Approve 10/17/96
 21 NCAC 12 .0503 10:22 NCR 2829 11:06 NCR 372 11:09 NCR 584 * Approve 10/17/96 *

GOVERNOR'S EXECUTIVE ORDERS

Number 95 - Eff. 04/24/96
 Number 96 - Eff. 06/14/96
 Number 97 - Eff. 07/12/96
 Number 98 - Eff. 08/09/96
 Number 99 - Eff. 09/05/96
 Number 100 - Eff. 09/12/96
 Number 101 - Eff. 09/12/96
 Number 102 - Eff. 10/02/96
 Number 103 - Eff. 10/10/96
 Number 104 - Eff. 10/10/96
 Number 105 - Eff. 12/02/96
 Number 106 - Eff. 12/11/96

11:05 NCR 270
 11:08 NCR 441
 11:10 NCR 817
 11:11 NCR 880
 11:14 NCR 1101
 11:14 NCR 1101
 11:14 NCR 1101
 11:14 NCR 1101
 11:15 NCR 1197
 11:15 NCR 1197
 11:15 NCR 1197
 11:19 NCR 1406
 11:21 NCR 1631

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24 NCAC 01P .0101 11:14 NCR 1154
 24 NCAC 01P .0102 11:14 NCR 1154
 24 NCAC 01P .0103 11:14 NCR 1154
 24 NCAC 01P .0201 11:14 NCR 1154
 24 NCAC 01P .0202 11:14 NCR 1154
 24 NCAC 01P .0203 11:14 NCR 1154

HUMAN RESOURCES

10 NCAC 41P .0013 11:06 NCR 323 11:08 NCR 528 11:12 NCR 966 L Approve 12/19/96 *

11:20 NCR 1569

Aging

10 NCAC 22 10:23 NCR 2956

Child Day Care Commission

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10 NCAC 03U .0102		10:20 NCR 2593	11:10 NCR 819	S	Object Approve	10/17/96 11/21/96	*			11:19 NCR 1449
10 NCAC 03U .0604	11:03 NCR 109		11:09 NCR 571	*						
10 NCAC 03U .0700	11:08 NCR 449		11:04 NCR 188	*	Object Approve	10/17/96 11/21/96	*			11:19 NCR 1449
10 NCAC 03U .0704	10:19 NCR 2506			*						
10 NCAC 03U .0705	11:14 NCR 1108		11:17 NCR 1338	*						
10 NCAC 03U .0707	11:08 NCR 449		11:04 NCR 188	*	Object Approve	10/17/96 11/21/96	*			11:19 NCR 1449
10 NCAC 03U .0710	10:22 NCR 2829		11:17 NCR 1338	*						
10 NCAC 03U .0901	11:08 NCR 449									
10 NCAC 03U .1717	11:14 NCR 1108									
10 NCAC 03U .2510	11:08 NCR 449		10:20 NCR 2593	11:10 NCR 819	S	Object Approve	10/17/96 11/21/96	*		11:19 NCR 1449
10 NCAC 03U .2606	11:08 NCR 449		10:20 NCR 2593	11:10 NCR 819	S	Object Approve	10/17/96 11/21/96	*		11:19 NCR 1449
10 NCAC 03U .2701			10:20 NCR 2593	11:10 NCR 819	S	Object Approve	10/17/96 11/21/96	*		11:19 NCR 1449
10 NCAC 03U .2702			10:20 NCR 2593	11:10 NCR 819	S	Object Approve	10/17/96 11/21/96	*		11:19 NCR 1449
10 NCAC 03U .2703			10:20 NCR 2593	11:10 NCR 819	S	Object Approve	10/17/96 11/21/96	*		11:19 NCR 1449
10 NCAC 03U .2704			10:20 NCR 2593	11:10 NCR 819	S	Object Approve	10/17/96 11/21/96	*		11:19 NCR 1449
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10 NCAC 03	10:18 NCR 2399		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Approve	10/17/96	*		11:16 NCR 1291 11:11 NCR 888
10 NCAC 03R .3001	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3001	11:21 NCR 1655									
10 NCAC 03R .3002			10:21 NCR 2699	11:08 NCR 452	S/L/SE	Approve	10/17/96			11:16 NCR 1291 11:11 NCR 888
10 NCAC 03R .3010			10:21 NCR 2699	11:08 NCR 452	S/L/SE	Approve	10/17/96	*		11:16 NCR 1291 11:11 NCR 888
10 NCAC 03R .3020	10:23 NCR 2956		11:06 NCR 328	S/L/SE						

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10 NCAC 03R .3030		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	10/17/96 11/21/96	*			11:11 NCR 888
10 NCAC 03R .3030	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3032		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Approve	10/17/96	*			11:16 NCR 1291 11:11 NCR 888
10 NCAC 03R .3032	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3033		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3034		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3035		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3036		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3037		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3038		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3040		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	10/17/96	*			11:11 NCR 888
10 NCAC 03R .3040	10:23 NCR 2956		11:11 NCR 888	S/L/SE	Approve	11/21/96				11:19 NCR 1449
10 NCAC 03R .3050		10:21 NCR 2699	11:06 NCR 328	S/L/SE						
10 NCAC 03R .3050	10:23 NCR 2956		11:06 NCR 328	S/L/SE	Object	10/17/96	*			11:19 NCR 1449
10 NCAC 03R .3051		11:21 NCR 1655		S/L/SE	Approve	11/21/96	*			
10 NCAC 03R .3052										
10 NCAC 03R .3053										
10 NCAC 03R .3054										
10 NCAC 03R .3055										
10 NCAC 03R .3056										
10 NCAC 03R .3057										
10 NCAC 03R .3058										
10 NCAC 03R .3059										
10 NCAC 03R .3060										
10 NCAC 03R .3061										
10 NCAC 03R .3062										

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10 NCAC 03R .3063					11:21 NCR 1655					
10 NCAC 03R .3064					11:21 NCR 1655					
10 NCAC 03R .3065					11:21 NCR 1655					
10 NCAC 03R .3066					11:21 NCR 1655					
10 NCAC 03R .3067					11:21 NCR 1655					
10 NCAC 03R .3068					11:21 NCR 1655					
10 NCAC 03R .3069					11:21 NCR 1655					
10 NCAC 03R .3070					11:21 NCR 1655					
10 NCAC 03R .3071					11:21 NCR 1655					
10 NCAC 03R .3072					11:21 NCR 1655					
10 NCAC 03R .3073					11:21 NCR 1655					
10 NCAC 03R .3074					11:21 NCR 1655					
10 NCAC 03R .3075					11:21 NCR 1655					
10 NCAC 03R .3076					11:21 NCR 1655					
10 NCAC 03R .3077					11:21 NCR 1655					
10 NCAC 03R .3078					11:21 NCR 1655					
10 NCAC 03R .3079					11:21 NCR 1655					
10 NCAC 03R .3080					11:21 NCR 1655					
10 NCAC 03R .3081					11:21 NCR 1655					
10 NCAC 03R .3082					11:21 NCR 1655					
10 NCAC 03R .3083					11:21 NCR 1655					
10 NCAC 03R .3084					11:21 NCR 1655					
10 NCAC 03R .3085					11:21 NCR 1655					
10 NCAC 03R .3086					11:21 NCR 1655					
10 NCAC 03R .3087					11:21 NCR 1655					
10 NCAC 03R .3088					11:21 NCR 1655					

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					Action	Date				
10 NCAC 26B .0105	10:18 NCR 2398		10:22 NCR 2831	*	Approve	04/18/96	*			11:04 NCR 207
10 NCAC 26B .0123			11:19 NCR 1436							
10 NCAC 26G .0707	11:08 NCR 450		11:15 NCR 1205	11:18 NCR 1371	*					
10 NCAC 26H .0101	11:14 NCR 1108									
10 NCAC 26H .0102	11:14 NCR 1108									
10 NCAC 26H .0104	11:16 NCR 1268									
10 NCAC 26H .0212			11:15 NCR 1205							
10 NCAC 26H .0213			11:15 NCR 1205							
10 NCAC 26H .0213	11:18 NCR 1368									
10 NCAC 26H .0506			11:02 NCR 77	Temp. Expired						
10 NCAC 26H .0506	10:21 NCR 2686		11:19 NCR 1438							
10 NCAC 26H .0506			11:13 NCR 1062							
10 NCAC 50B .0602	11:09 NCR 569									
10 NCAC 50B .0202			11:10 NCR 841							
10 NCAC 50B .0404			11:10 NCR 841							
10 NCAC 50B .0409			11:10 NCR 841							
10 NCAC 50D							11:06 NCR 316			
10 NCAC 50D .0101	10:24 NCR 3057		11:04 NCR 196							
10 NCAC 50D .0102	10:24 NCR 3057		11:04 NCR 196							
10 NCAC 50D .0103	10:24 NCR 3057		11:04 NCR 196							
10 NCAC 50D .0201	10:24 NCR 3057		11:04 NCR 196							
10 NCAC 50D .0301	10:24 NCR 3057		11:04 NCR 196							
10 NCAC 50D .0302	10:24 NCR 3057		11:04 NCR 196							
10 NCAC 50D .0401	10:24 NCR 3057		11:04 NCR 196							
10 NCAC 50D .0402	10:24 NCR 3057		11:04 NCR 196							
10 NCAC 50D .0501	10:24 NCR 3057		11:04 NCR 196							
10 NCAC 50D .0502	10:24 NCR 3057		11:04 NCR 196							
10 NCAC 50D .0503	10:24 NCR 3057		11:04 NCR 196							

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Medical Care Commission									
10 NCAC 03B		11:16 NCR 1268							
10 NCAC 03B .1001					11:20 NCR 1560				
10 NCAC 03B .1002					11:20 NCR 1560				
10 NCAC 03C .3707		11:20 NCR 1534							
10 NCAC 03C .6208									11:04 NCR 206
Mental Health, Developmental Disabilities and Substance Abuse Services									
10 NCAC 14V .3402		11:08 NCR 449			11:14 NCR 1124	*			
10 NCAC 14V .3803		11:08 NCR 449			11:14 NCR 1124	*			
10 NCAC 14V .5602		11:08 NCR 449			11:14 NCR 1124	*			
10 NCAC 15A .0128		11:08 NCR 449			11:14 NCR 1124	*			
10 NCAC 15A .0129		11:08 NCR 449			11:14 NCR 1124	*			
10 NCAC 18W .0201		10:15 NCR 1478			11:14 NCR 1124	S			
10 NCAC 18W .0202		10:15 NCR 1478			11:14 NCR 1124	S			
10 NCAC 18W .0203		10:15 NCR 1478			11:14 NCR 1124	S			
10 NCAC 18W .0204		10:15 NCR 1478			11:14 NCR 1124	S			
10 NCAC 18W .0205		10:15 NCR 1478			11:14 NCR 1124	S			
10 NCAC 18W .0206		10:15 NCR 1478			11:14 NCR 1124	S			
10 NCAC 18W .0207		10:15 NCR 1478			11:14 NCR 1124	S			
10 NCAC 18W .0208		10:15 NCR 1478			11:14 NCR 1124	S			
10 NCAC 18W .0209		10:15 NCR 1478			11:14 NCR 1124	S			
10 NCAC 18W .0210		10:15 NCR 1478			11:14 NCR 1124	S			
10 NCAC 18W .0211		10:15 NCR 1478			11:14 NCR 1124	S			
10 NCAC 18W .0212		10:15 NCR 1478			11:14 NCR 1124	S			
10 NCAC 18W .0213		10:15 NCR 1478			11:14 NCR 1124	S			
10 NCAC 18W .0214		10:15 NCR 1478			11:14 NCR 1124	S			
10 NCAC 18W .0215		10:15 NCR 1478			11:14 NCR 1124	S			
10 NCAC 18W .0216		10:15 NCR 1478			11:14 NCR 1124	S			

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					Action	Date				
10 NCAC 18W .0217	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			11:22 NCR 0000
10 NCAC 18W .0218	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97				11:22 NCR 0000
10 NCAC 18W .0219	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 45H .0200	11:08 NCR 449									
Social Services Commission										
10 NCAC 35E .0101		11:16 NCR 1288								11:15 NCR 1229
10 NCAC 35E .0105		11:16 NCR 1288								
10 NCAC 35E .0106		11:16 NCR 1288								
10 NCAC 35E .0308		11:16 NCR 1288								
10 NCAC 41F	10:23 NCR 2956		11:03 NCR 111	L	Approve	07/18/96	*			
10 NCAC 41F .0705	10:23 NCR 2956		11:03 NCR 111	*	Approve	07/18/96				
10 NCAC 41F .0706		10:21 NCR 2726	11:03 NCR 111	S	Object	07/18/96				
10 NCAC 41F .0707		10:21 NCR 2726	11:03 NCR 111	S	Approve	09/19/96	*			
10 NCAC 41F .0812		10:21 NCR 2726	11:03 NCR 111	*	Approve	07/18/96				
10 NCAC 41F .0813		10:21 NCR 2726	11:03 NCR 111	S	Object	07/18/96	*			
10 NCAC 41F .0814	10:23 NCR 2956		11:03 NCR 111	L	Object	07/18/96				
10 NCAC 41F .0100	10:17 NCR 2228		10:21 NCR 2687	*						
10 NCAC 41P .0102	10:17 NCR 2228		11:12 NCR 960	*	Object	11/21/96				
10 NCAC 41P .0102	11:06 NCR 323	11:08 NCR 528			Approve	12/19/96	*			
10 NCAC 41P .0102					Object	12/21/96				
10 NCAC 41P .0105	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	12/19/96	*			
10 NCAC 41P .0105					Approve	12/19/96				
10 NCAC 41P .0106	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*			
10 NCAC 41P .0106					Approve	11/21/96				
10 NCAC 41P .0108	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	10/17/96				
10 NCAC 41P .0108					Approve	10/17/96				
10 NCAC 41P .0109	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*			

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					Action	Date				
10 NCAC 41P .0110	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*			11:19 NCR 1449
10 NCAC 41P .0111	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*			11:19 NCR 1449
10 NCAC 41P .0112	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*			11:19 NCR 1449
10 NCAC 42A .0701		10:21 NCR 2728	11:10 NCR 823	S/L/SE	Approve	11/21/96				11:19 NCR 1449
10 NCAC 42A .0702		10:21 NCR 2728	11:10 NCR 823	*	Approve	11/21/96	*			11:19 NCR 1449
10 NCAC 42A .0703		10:21 NCR 2728	11:10 NCR 823	*	Object	11/21/96				
10 NCAC 42B .1209		10:21 NCR 2729	11:12 NCR 967	*	Approve	12/19/96				11:20 NCR 1569
10 NCAC 42B .1210		10:21 NCR 2729	11:12 NCR 967	S/L	Approve	11/21/96				11:19 NCR 1449
10 NCAC 42B .1211		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96				11:19 NCR 1449
10 NCAC 42B .2402		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96				11:19 NCR 1449
10 NCAC 42B .2403		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96				11:19 NCR 1449
10 NCAC 42B .2404		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96				11:19 NCR 1449
10 NCAC 42B .2405		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96				11:19 NCR 1449
10 NCAC 42C .2010		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96				11:19 NCR 1449
10 NCAC 42C .2011		10:21 NCR 2729	11:12 NCR 967	S/L	Object	11/21/96	*			
10 NCAC 42C .2012		10:21 NCR 2729	11:12 NCR 967	*	Approve	12/19/96				11:20 NCR 1569
10 NCAC 42C .3701		10:21 NCR 2729	11:12 NCR 967	*	Object	11/21/96	*			
10 NCAC 42C .3702		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96	*			11:19 NCR 1449
10 NCAC 42C .3703		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96	*			11:19 NCR 1449
10 NCAC 42C .3704		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96				11:19 NCR 1449
10 NCAC 42D .1409		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96				11:19 NCR 1449
10 NCAC 42D .1410		10:21 NCR 2729	11:12 NCR 967	S/L	Object	11/21/96	*			
10 NCAC 42D .1411		10:21 NCR 2729	11:12 NCR 967	*	Approve	12/19/96	*			11:20 NCR 1569
10 NCAC 42D .1827		10:21 NCR 2729	11:12 NCR 967	*	Object	11/21/96	*			11:19 NCR 1449
10 NCAC 42D .1828		10:21 NCR 2729	11:12 NCR 967	*	Approve	12/19/96	*			11:19 NCR 1449
10 NCAC 42D .1829		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96				11:19 NCR 1449

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					Action	Date				
10 NCAC 42D.1830		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96				11:19 NCR 1449
10 NCAC 42J.0001		11:16 NCR 1288								
10 NCAC 42J.0004		11:16 NCR 1288								
10 NCAC 42J.0005		11:16 NCR 1288								
10 NCAC 42V.0201		10:20 NCR 2397	11:03 NCR 111	*	Approve	07/18/96	*			11:10 NCR 843
10 NCAC 42V.0802		10:20 NCR 2397	11:03 NCR 111	*	Approve	07/18/96	*			11:10 NCR 843
10 NCAC 42V.0803		10:20 NCR 2597	11:03 NCR 111	*	Approve	07/18/96	*			11:10 NCR 843
10 NCAC 49A.0102		11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96				11:19 NCR 1449
10 NCAC 49B.0202		11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*			11:19 NCR 1449
10 NCAC 49B.0310		11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*			11:19 NCR 1449
10 NCAC 49B.0502		11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96				11:19 NCR 1449
10 NCAC 49C.0107		10:18 NCR 2402	Temp. Expired							
Vocational Rehabilitation Services										
10 NCAC 20B.0204		11:08 NCR 450	11:13 NCR 1051	*	Approve	12/19/96	*			11:20 NCR 1569
10 NCAC 20B.0205		11:08 NCR 450	11:13 NCR 1051	*	Approve	12/19/96	*			11:20 NCR 1569
10 NCAC 20B.0206		11:08 NCR 450	11:13 NCR 1051	*	Approve	12/19/96				11:20 NCR 1569
10 NCAC 20B.0208		11:08 NCR 450	11:13 NCR 1051	*	Approve	12/19/96				11:20 NCR 1569
10 NCAC 20B.0209		11:08 NCR 450	11:13 NCR 1051	*	Approve	12/19/96				11:20 NCR 1569
10 NCAC 20B.0210		11:08 NCR 450	11:13 NCR 1051	*	Approve	12/19/96				11:20 NCR 1569
10 NCAC 20B.0214		11:08 NCR 450	11:13 NCR 1051	*	Approve	12/19/96				11:20 NCR 1569
10 NCAC 20B.0218		11:08 NCR 450	11:13 NCR 1051	*	Approve	12/19/96	*			11:20 NCR 1569
10 NCAC 20B.0222		11:08 NCR 450	11:13 NCR 1051	*	Approve	12/19/96	*			11:20 NCR 1569
10 NCAC 20B.0224		11:08 NCR 450	11:13 NCR 1051	*	Approve	12/19/96				11:20 NCR 1569
10 NCAC 20B.0226		11:08 NCR 450	11:13 NCR 1051	*	Approve	12/19/96				11:20 NCR 1569
10 NCAC 20B.0227		11:08 NCR 450	11:13 NCR 1051	*	Approve	12/19/96				11:20 NCR 1569
10 NCAC 20C.0603		11:08 NCR 450	11:13 NCR 1051	*	Approve	12/19/96				11:20 NCR 1569
10 NCAC 20D.0204		11:08 NCR 450	11:13 NCR 1051	*	Approve	12/19/96				11:20 NCR 1569
INSURANCE										

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					Action	Date				
11 NCAC 08 .1001		11:15 NCR 1212			11:19 NCR 1416	*				Filed over objection
11 NCAC 08 .1002		11:15 NCR 1212			11:19 NCR 1416	*				Filed over objection
11 NCAC 08 .1003		11:15 NCR 1212			11:19 NCR 1416	*				Filed over objection
11 NCAC 08 .1004		11:15 NCR 1212			11:19 NCR 1416	*				Filed over objection
11 NCAC 08 .1005		11:15 NCR 1212			11:19 NCR 1416	*				Filed over objection
11 NCAC 08 .1006		11:15 NCR 1212			11:19 NCR 1416	*				Filed over objection
11 NCAC 08 .1007		11:15 NCR 1212			11:19 NCR 1416	*				Filed over objection
11 NCAC 08 .1008		11:15 NCR 1212			11:19 NCR 1416	*				Filed over objection
11 NCAC 08 .1009		11:15 NCR 1212			11:19 NCR 1416	*				Filed over objection
11 NCAC 08 .1010		11:15 NCR 1212			11:19 NCR 1416	*				Filed over objection
11 NCAC 08 .1011		11:15 NCR 1212			11:19 NCR 1416	*				Filed over objection
11 NCAC 08 .1101		11:15 NCR 1212			11:19 NCR 1416	*				Filed over objection
11 NCAC 08 .1102		11:15 NCR 1212			11:19 NCR 1416	*				Filed over objection
11 NCAC 08 .1103		11:15 NCR 1212			11:19 NCR 1416	*				Filed over objection
11 NCAC 08 .1104		11:15 NCR 1212			11:19 NCR 1416	*				Filed over objection
11 NCAC 08 .1105		11:15 NCR 1212			11:19 NCR 1416	*				Filed over objection
11 NCAC 08 .1106		11:15 NCR 1212			11:19 NCR 1416	*				Filed over objection
11 NCAC 08 .1107		11:15 NCR 1212			11:19 NCR 1416	*				Filed over objection
11 NCAC 08 .1108		11:15 NCR 1212			11:19 NCR 1416	*				Filed over objection
11 NCAC 08 .1109		11:15 NCR 1212			11:19 NCR 1416	*				Filed over objection
11 NCAC 08 .1110		11:15 NCR 1212			11:19 NCR 1416	*				Filed over objection
11 NCAC 08 .1111		11:15 NCR 1212			11:19 NCR 1416	*				Filed over objection
11 NCAC 08 .1112		11:15 NCR 1212			11:19 NCR 1416	*				Filed over objection
11 NCAC 08 .1113		11:15 NCR 1212			11:19 NCR 1416	*				Filed over objection
11 NCAC 08 .1114		11:15 NCR 1212			11:19 NCR 1416	*				Filed over objection
11 NCAC 08 .1115		11:15 NCR 1212			11:19 NCR 1416	*				Filed over objection
11 NCAC 08 .1116		11:15 NCR 1212			11:19 NCR 1416	*				Filed over objection
11 NCAC 08 .1201		11:15 NCR 1212			11:19 NCR 1416	*				Filed over objection

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					Action	Date				
11 NCAC 08 .1202			11:15 NCR 1212	11:19 NCR 1416	*					Filed over objection
11 NCAC 08 .1203			11:15 NCR 1212	11:19 NCR 1416	*					Filed over objection
11 NCAC 08 .1204			11:15 NCR 1212	11:19 NCR 1416	*					Filed over objection
11 NCAC 08 .1205			11:15 NCR 1212	11:19 NCR 1416	*					Filed over objection
11 NCAC 08 .1206			11:15 NCR 1212	11:19 NCR 1416	*					Filed over objection
11 NCAC 08 .1207			11:15 NCR 1212	11:19 NCR 1416	*					Filed over objection
11 NCAC 08 .1208			11:15 NCR 1212	11:19 NCR 1416	*					Filed over objection
11 NCAC 08 .1209			11:15 NCR 1212	11:19 NCR 1416	*					Filed over objection
11 NCAC 10 .0602			11:15 NCR 1223	11:19 NCR 1426	*					
11 NCAC 10 .0603			11:15 NCR 1223	11:19 NCR 1426	*					
11 NCAC 10 .0606			11:15 NCR 1223	11:19 NCR 1426	*					
11 NCAC 12 .0551	10:18 NCR 2399			10:22 NCR 2831	*		Approve	05/16/96	*	11:05 NCR 283
11 NCAC 16 .0703	10:18 NCR 2399			10:22 NCR 2832	*		Approve	05/16/96		11:05 NCR 284
JUSTICE										
Attorney General/Company Police										
12 NCAC 021.0101										11:04 NCR 208
12 NCAC 021.0206										11:04 NCR 208
12 NCAC 021.0210										11:04 NCR 208
Alarm Systems Licensing Board										
12 NCAC 11 .0202	10:24 NCR 3057									
Criminal Justice Education and Training Standards Commission										
12 NCAC 09A .0103	11:14 NCR 1109									
12 NCAC 09B .0102	11:14 NCR 1109									
12 NCAC 09B .0111	11:14 NCR 1109									
12 NCAC 09B .0206	11:14 NCR 1109									
12 NCAC 09B .0224	11:14 NCR 1109									
12 NCAC 09B .0225	11:14 NCR 1109									
12 NCAC 09B .0409	11:14 NCR 1109									

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					Action	Date				
12 NCAC 09C .0304		11:14 NCR 1109				11:20 NCR 1539	*			
12 NCAC 09C .0307		11:14 NCR 1109				11:20 NCR 1539	*			
12 NCAC 09C .0309		11:14 NCR 1109				11:20 NCR 1539	*			
12 NCAC 09C .0601		11:14 NCR 1109				11:20 NCR 1539	*			
12 NCAC 09C .0602		11:14 NCR 1109				11:20 NCR 1539	*			
12 NCAC 09C .0603		11:14 NCR 1109				11:20 NCR 1539	*			
12 NCAC 09C .0604		11:14 NCR 1109				11:20 NCR 1539	*			
12 NCAC 09C .0605		11:14 NCR 1109				11:20 NCR 1539	*			
12 NCAC 09C .0606		11:14 NCR 1109				11:20 NCR 1539	*			
12 NCAC 09C .0607		11:14 NCR 1109				11:20 NCR 1539	*			
12 NCAC 09C .0608		11:14 NCR 1109				11:20 NCR 1539	*			
Private Protective Services Board										
12 NCAC 07D			11:10 NCR 818							
12 NCAC 07D			11:16 NCR 1268							
12 NCAC 07D .0100			11:16 NCR 1268							
12 NCAC 07D .0104			11:16 NCR 1268							
12 NCAC 07D .0201			11:10 NCR 818							
12 NCAC 07D .0204			11:14 NCR 1108							
12 NCAC 07D .0504			11:10 NCR 818							
12 NCAC 07D .0701			11:10 NCR 818							
12 NCAC 07D .0801			11:10 NCR 818							
12 NCAC 07D .0902			11:10 NCR 818							
12 NCAC 07D .1106			11:14 NCR 1108							
State Bureau of Investigation/Division of Criminal Information										
12 NCAC 04E .0103			11:11 NCR 881							
12 NCAC 04E .0104			11:17 NCR 1336							
12 NCAC 04E .0401			11:17 NCR 1336							
12 NCAC 04E .0404			11:17 NCR 1336							

* 11:17 NCR 1339

12 NCAC 04E .0103 11:11 NCR 881

12 NCAC 04E .0104 11:17 NCR 1336

12 NCAC 04E .0401 11:17 NCR 1336

12 NCAC 04E .0404 11:17 NCR 1336

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					Action	Date				
LABOR										
12 NCAC 04E .0405			11:17 NCR 1336							
Occupational Safety and Health										
13 NCAC 07A .0900		11:11 NCR 881								
13 NCAC 07F	11:03 NCR 106		11:03 NCR 119		Temp. Expired					
13 NCAC 07F .0101										
13 NCAC 07F .0201	11:03 NCR 106									
13 NCAC 07F .0201	11:09 NCR 568									
13 NCAC 07F .0301	11:03 NCR 106									
MEDICAL BOARD										
21 NCAC 32B	11:18 NCR 1369		11:18 NCR 1386							
21 NCAC 32F .0003										
21 NCAC 32H	10:18 NCR 2400									
21 NCAC 32H .0101	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*			11:04 NCR 221
21 NCAC 32H .0102	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*			11:04 NCR 221
21 NCAC 32H .0201	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*			11:04 NCR 221
21 NCAC 32H .0203	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*			11:04 NCR 221
21 NCAC 32H .0301	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*			11:04 NCR 221
21 NCAC 32H .0302	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*			11:04 NCR 221
21 NCAC 32H .0303	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*			11:04 NCR 221
21 NCAC 32H .0401	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*			11:04 NCR 221
21 NCAC 32H .0402	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*			11:04 NCR 221
21 NCAC 32H .0403	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*			11:04 NCR 221
21 NCAC 32H .0404	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*			11:04 NCR 221
21 NCAC 32H .0406	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*			11:04 NCR 221
21 NCAC 32H .0407	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*			11:04 NCR 221
21 NCAC 32H .0408	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*			11:04 NCR 221
21 NCAC 32H .0409	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*			11:04 NCR 221

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					Action	Date				
21 NCAC 3211 .0501	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 3211 .0502	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 3211 .0504	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 3211 .0505	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 3211 .0506	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 3211 .0507	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 3211 .0601	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 3211 .0602	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 3211 .0701	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 3211 .0702	10:18 NCR 2400		10:22 NCR 2835	*	Object	04/18/96			Returned to Agency 6/20/96	
21 NCAC 3211 .0801	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 3211 .0901	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 3211 .0902	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 320	11:18 NCR 1369									
NURSING, BOARD OF										
21 NCAC 36 .0320	11:14 NCR 1109		11:19 NCR 1428	*						
NURSING HOME ADMINISTRATORS										
21 NCAC 37D .0202			11:11 NCR 940	*						
21 NCAC 37G .0102			11:11 NCR 940	*						
OPTOMETRY, BOARD OF										
21 NCAC 42B .0107	11:18 NCR 1369									
PSYCHOLOGY BOARD										
21 NCAC 54 .1802										
21 NCAC 54 .1803										
21 NCAC 54 .2001										
21 NCAC 54 .2002										
21 NCAC 54 .2003										

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21 NCAC 54 .2004			11:18 NCR 1373	*					
21 NCAC 54 .2005			11:18 NCR 1373	*					
21 NCAC 54 .2007			11:18 NCR 1373	*					
21 NCAC 54 .2008			11:18 NCR 1373	*					
21 NCAC 54 .2009			11:18 NCR 1373	*					
21 NCAC 54 .2704									
21 NCAC 54 .2706									
PUBLIC EDUCATION									
16 NCAC 01A.0001									
16 NCAC 01A.0003									
Standards Board for Public School Administration									
16 NCAC 07 .0101	10:23 NCR 2957		11:09 NCR 576	*					
16 NCAC 07 .0102	10:23 NCR 2957		11:09 NCR 576	*					
16 NCAC 07 .0103	10:23 NCR 2957		11:09 NCR 576	*					
16 NCAC 07 .0104	10:23 NCR 2957		11:09 NCR 576	*					
16 NCAC 07 .0105	10:23 NCR 2957		11:09 NCR 576	*					
16 NCAC 07 .0106	10:23 NCR 2957		11:09 NCR 576	*					
16 NCAC 07 .0107	10:23 NCR 2957		11:09 NCR 576	*					
16 NCAC 07 .0108	10:23 NCR 2957		11:09 NCR 576	*					
16 NCAC 07 .0109	10:23 NCR 2957		11:09 NCR 576	*					
16 NCAC 07 .0110	10:23 NCR 2957		11:09 NCR 576	*					
16 NCAC 07 .0111	10:23 NCR 2957		11:09 NCR 576	*					
16 NCAC 07 .0112	10:23 NCR 2957		11:09 NCR 576	*					
REAL ESTATE COMMISSION									
21 NCAC 58A.0101	10:22 NCR 2829		11:03 NCR 114	*					
21 NCAC 58A.0104	11:07 NCR 408		11:11 NCR 935	*					
21 NCAC 58A.0105	10:22 NCR 2829		11:03 NCR 114	*					

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REFRIGERATION EXAMINERS										
21 NCAC 58A .0109	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			11:20 NCR 1569	
21 NCAC 58A .0110	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			11:20 NCR 1569	
21 NCAC 58A .0302	10:22 NCR 2829		11:03 NCR 114	*	Object	12/19/96				
21 NCAC 58A .0503	10:22 NCR 2829		11:03 NCR 114	*	Approve	01/16/97	*		11:22 NCR 0000	
21 NCAC 58A .0504	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			11:20 NCR 1569	
21 NCAC 58A .1501	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			11:20 NCR 1569	
21 NCAC 58A .1502	10:22 NCR 2829		11:03 NCR 114	*	Object	12/19/96			11:22 NCR 0000	
21 NCAC 58A .1601	10:22 NCR 2835		11:03 NCR 114	*	Approve	01/16/97	*		11:22 NCR 0000	
21 NCAC 60 .0204	11:05 NCR 272		11:10 NCR 839	*	Approve	11/21/96			11:19 NCR 1449	
21 NCAC 60 .0207	11:05 NCR 272		11:10 NCR 839	*	Approve	11/21/96	*		11:19 NCR 1449	
21 NCAC 60 .0314	11:05 NCR 272		11:10 NCR 839	*	Object	11/21/96			11:20 NCR 1569	
REVENUE										
17 NCAC 01C .0504	10:20 NCR 2599		11:10 NCR 838	*	Object	08/15/96			11:14 NCR 1156	
17 NCAC 01C .0506	10:20 NCR 2599		11:10 NCR 838	*	Approve	09/19/96				
17 NCAC 01C .0506					Approve	08/15/96				
17 NCAC 01C .0102					Approve	01/16/97			11:22 NCR 0000	
17 NCAC 05C .2101					Object	11/21/96			Notice Not Required	
17 NCAC 06B .0612					Rule Returned	01/16/97			11:05 NCR 284	
17 NCAC 06B .3716					Approve	05/16/96	*		11:04 NCR 211	
17 NCAC 07B .0118					Approve	04/18/96	*		11:04 NCR 211	
17 NCAC 07B .1101					Approve	11/21/96			11:19 NCR 1449	
17 NCAC 07B .1105					Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1108					Approve	04/18/96			11:04 NCR 212	
					Approve	04/18/96			11:04 NCR 212	
					Approve	04/18/96			11:04 NCR 212	

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17 NCAC 07B .1109				*	Approve	04/18/96				11:04 NCR 212
17 NCAC 07B .1110		10:21 NCR 2688		*	Approve	04/18/96				11:04 NCR 212
17 NCAC 07B .1112		10:21 NCR 2688		*	Approve	04/18/96				11:04 NCR 212
17 NCAC 07B .1114		10:21 NCR 2688		*	Approve	04/18/96				11:04 NCR 212
17 NCAC 07B .1123		10:21 NCR 2688		*	Approve	04/18/96	*			11:04 NCR 212
17 NCAC 07B .1602		10:21 NCR 2688		*	Approve	04/18/96	*			11:04 NCR 212
17 NCAC 07B .1602		11:12 NCR 998		*	Approve	11/21/96	*			11:19 NCR 1449
17 NCAC 07B .1701		10:21 NCR 2688		*	Approve	04/18/96	*			11:04 NCR 212
17 NCAC 07B .1702		10:21 NCR 2688		*	Approve	04/18/96	*			11:04 NCR 212
17 NCAC 07B .1702		11:12 NCR 998		*	Approve	11/21/96	*			11:19 NCR 1449
17 NCAC 07B .1802		10:21 NCR 2688		*	Approve	04/18/96	*			11:04 NCR 212
17 NCAC 07B .1802		11:12 NCR 998		*	Approve	11/21/96	*			11:19 NCR 1449
17 NCAC 07B .2401		10:21 NCR 2688		*	Approve	04/18/96	*			11:04 NCR 212
17 NCAC 07B .2601		10:21 NCR 2688		*	Approve	04/18/96	*			11:04 NCR 212
17 NCAC 07B .3103		11:12 NCR 998		*	Approve	11/21/96	*			11:19 NCR 1449
17 NCAC 07B .3106		11:12 NCR 998		*	Approve	11/21/96	*			11:19 NCR 1449
17 NCAC 07B .4002		10:21 NCR 2688		*	Approve	04/18/96				11:04 NCR 212
17 NCAC 07B .4004		10:21 NCR 2688		*	Approve	04/18/96				11:04 NCR 212
17 NCAC 07B .4008		10:21 NCR 2688		*	Approve	04/18/96	*			11:04 NCR 212
17 NCAC 07B .4202		11:12 NCR 998		*	Approve	11/21/96				11:19 NCR 1449
17 NCAC 07B .4301		10:21 NCR 2688		*	Approve	04/18/96	*			11:04 NCR 212
17 NCAC 07B .4408		10:21 NCR 2688		*	Approve	04/18/96	*			11:04 NCR 212
17 NCAC 07B .4501		11:12 NCR 998		*	Approve	11/21/96				11:19 NCR 1449
17 NCAC 07B .4902		10:21 NCR 2688		*	Approve	04/18/96	*			11:04 NCR 212
Tax Review Board										11:02 NCR 72
Tax Review Board										11:06 NCR 318
Tax Review Board										11:14 NCR 1104
Tax Review Board										11:16 NCR 1266

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Tax Review Board 21 NCAC 63 .0306									11:19 NCR 1449
SOCIAL WORK, BOARD OF 21 NCAC 63 .0306		10:21 NCR 2739	11:03 NCR 118	*	Approve	11/21/96	*		
SOIL SCIENTISTS, BOARD FOR LICENSING 21 NCAC 69 .0101	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*	Approve	09/19/96			11:14 NCR 1156
21 NCAC 69 .0102	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Object	09/19/96			11:16 NCR 1291
21 NCAC 69 .0103	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 523	*	Approve	10/17/96	*		
21 NCAC 69 .0104	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96			11:14 NCR 1156
21 NCAC 69 .0201	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*	Approve	09/19/96			11:14 NCR 1156
21 NCAC 69 .0202	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96			11:14 NCR 1156
21 NCAC 69 .0301	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*	Approve	09/19/96			11:14 NCR 1156
21 NCAC 69 .0302	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96			11:16 NCR 1291
21 NCAC 69 .0303	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*	Object	09/19/96			11:16 NCR 1291
21 NCAC 69 .0304	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	10/17/96	*		11:16 NCR 1291
21 NCAC 69 .0305	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*	Object	09/19/96			11:16 NCR 1291
21 NCAC 69 .0306	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	10/17/96	*		11:16 NCR 1291
21 NCAC 69 .0307	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*	Object	09/19/96	*		11:14 NCR 1156
21 NCAC 69 .0308	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*	Approve	10/17/96	*		11:16 NCR 1291
21 NCAC 69 .0401	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96			11:16 NCR 1291
21 NCAC 69 .0402	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*	Object	10/17/96	*		11:16 NCR 1291
21 NCAC 69 .0501	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96	*		11:14 NCR 1156

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25 NCAC 01D .2501			11:13 NCR 1062	11:19 NCR 1429	*					
25 NCAC 01D .2503		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2504		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2505		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2507		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2508		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2509		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2511		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2513		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2514		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2516		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01E .0705	11:14 NCR 1110		11:19 NCR 1434							
25 NCAC 01E .0707	11:14 NCR 1110		11:19 NCR 1434							
25 NCAC 01E .0709	11:14 NCR 1110		11:19 NCR 1434							
25 NCAC 01J .0613		10:23 NCR 2960	Temp. Expired							
25 NCAC 01J .0613										11:01 NCR 26
SUBSTANCE ABUSE PROFESSIONALS CERTIFICATION BOARD										
21 NCAC 68		10:18 NCR 2401								
21 NCAC 68 .0101		10:18 NCR 2401								
21 NCAC 68 .0102	10:18 NCR 2401		10:22 NCR 2850	*						
21 NCAC 68 .0201	10:18 NCR 2401		10:22 NCR 2850	*						
21 NCAC 68 .0202	10:18 NCR 2401		10:22 NCR 2850	*						
21 NCAC 68 .0203	10:18 NCR 2401		10:22 NCR 2850	*						
21 NCAC 68 .0204	10:18 NCR 2401		10:22 NCR 2850	*						
21 NCAC 68 .0205	10:18 NCR 2401		10:22 NCR 2850	*						
21 NCAC 68 .0206	10:18 NCR 2401		10:22 NCR 2850	*						
21 NCAC 68 .0207	10:18 NCR 2401		10:22 NCR 2850	*						
21 NCAC 68 .0208	10:18 NCR 2401		10:22 NCR 2850	*						

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21 NCAC 68 .0209	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*			11:04 NCR 238
21 NCAC 68 .0210	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*			11:04 NCR 238
21 NCAC 68 .0211	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*			11:04 NCR 238
21 NCAC 68 .0212	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*			11:04 NCR 238
21 NCAC 68 .0213	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*			11:04 NCR 238
21 NCAC 68 .0401	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*			11:04 NCR 238
21 NCAC 68 .0402	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*			11:04 NCR 238
21 NCAC 68 .0403	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*			11:04 NCR 238
21 NCAC 68 .0404	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*			11:04 NCR 238
21 NCAC 68 .0405	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*			11:04 NCR 238
21 NCAC 68 .0406	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*			11:04 NCR 238
21 NCAC 68 .0407	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*			11:04 NCR 238
21 NCAC 68 .0701	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*			11:04 NCR 238
21 NCAC 68 .0702	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*			11:04 NCR 238
21 NCAC 68 .0703	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*			11:04 NCR 238
21 NCAC 68 .0704	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*			11:04 NCR 238
21 NCAC 68 .0705	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*			11:04 NCR 238
21 NCAC 68 .0706	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*			11:04 NCR 238
21 NCAC 68 .0707	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*			11:04 NCR 238
21 NCAC 68 .0708	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*			11:04 NCR 238
21 NCAC 68 .0709	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*			11:04 NCR 238
TRANSPORTATION										
19A NCAC 06B .0401	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0402	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0403	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0404	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0405	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0406	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				

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Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
19A NCAC 06B .0407	10-23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0408	10-23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0409	10-23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0410	10-23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0411	10-23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0412	10-23 NCR 2957		11:05 NCR 279	S	Object	08/15/96	*			
19A NCAC 06B .0413	10-23 NCR 2957		11:05 NCR 279	S	Approve	09/19/96				
19A NCAC 06B .0414	10-23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0415	10-23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0416	10-23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0417	10-23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
Highways, Division of										
19A NCAC 02B .0164	11:20 NCR 1537									
19A NCAC 02D .0415	11:20 NCR 1537									
19A NCAC 02D .0425										
19A NCAC 02D .1101	10-23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96				
19A NCAC 02D .1102	10-23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96				
19A NCAC 02D .1103	10-23 NCR 2957		11:05 NCR 274	*	Object	09/19/96	*			
19A NCAC 02D .1104	10-23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96	*			
19A NCAC 02D .1105	10-23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96	*			
19A NCAC 02D .1106	10-23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96	*			
19A NCAC 02D .1107	10-23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96				
19A NCAC 02D .1108	10-23 NCR 2957		11:05 NCR 274	*	Object	09/19/96	*			
19A NCAC 02D .1109	10-23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96	*			
19A NCAC 02D .1110	10-23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96	*			
19A NCAC 02D .1111	10-23 NCR 2957		11:05 NCR 274	*	Object	09/19/96	*			
19A NCAC 02D .1112	10-23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96				

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